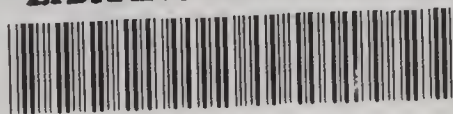


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# The Reference Shelf

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## State Censorship of Motion Pictures

J. R. RUTLAND, Compiler

### INTRODUCTION

The motion picture industry has grown in a decade from a very insignificant business to what producers claim is the fourth largest industry in America. Starting as a one-reel comedy of fights, fallings, and a chase or two, the film has challenged competition with the drama and the novel in the field of fiction, with the newspaper and the magazine in the field of news and art, and with books and lectures in school work. No town is complete without its picture houses; cities have scores of them for all classes and at all prices, some of them in palatial homes; almost every village community in the land either has its own exhibitor or is in easy reach of one. In fact, it is estimated that ten million people in the United States alone go to the movies every day and that thousands more see American pictures in all countries of the earth only a little less frequently. By all odds, the motion picture is now the world's largest commercialized form of entertainment.

Its influence is effective and far-reaching. In the days before prohibition, it was heralded as the conqueror of saloons. Some critics feared years ago that the "legitimate" drama could hardly survive the severe competition of the movies. During the war with Germany, our leaders made extensive use of motion pictures not only to urge us to buy bonds, to economize on clothes and food, and to look out for the ubiquitous spy, but also to tell us what to think and to keep us passionately determined to do our bit. Big business has found that moving pictures are short cuts in teaching employees technical manipulation as well as wholesome entertainment in leisure hours. Even churches have found it necessary to adapt pictures to the service of religion. It may be true, as a recent contributor to the magazines has said, that the Hollywood state of mind is entirely too common and that we are in process of changing our national character under the influence of a machine that can tell us the news, give us the exhilaration of travel, show us the ends of the earth, portray all kinds of human conflict, make us laugh and cry at will, and point its own moral in a most effective way.

Social workers, teachers, and parents are calling attention to what seems to them to be a direct connection between the movies and child crime. Psychologists tell us why children and adults of limited intelligence may be tempted to imitation by the glamor of a criminal act in the pictures and lack the self-restraint or the ability to foresee the consequences of crime in real life, with which they might hold themselves in check. Some think that manners are being vitiated by "comics" in which pie-plastering, Falstaffian fighting, pitching unwelcome guests out of windows, dumping heroines into mud puddles, and so forth, descend in deluges upon the impressionable youth and the untutored mind. Others see as much danger to normal adults in the reiteration of criminal themes, the popularity of the domestic triangle situation, the visual-

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ization of vamping and attempted seduction, as zealous patriots saw not long ago in German propaganda. Thus, it may be seen, its critics flatter the motion picture by seeing in it a power that uncurbed may disrupt the bonds of society and government and destroy our dearest ideals.

Business men's organizations, women's clubs, chambers of commerce, religious and charitable organizations have made extensive investigations of moving picture conditions and influences and have proposed a variety of remedies for the evils involved. One serious student has recommended a system of state or Federal licensing of producers to curb the publication of vicious pictures. A bill has been introduced in the House of Representatives for the purpose of establishing a national commission of censorship. About thirty states have considered some sort of state censorship and seven have adopted it. On the other hand producers and their friends object to any outside regulation, claiming the right, accorded to newspapers, to publishers of books, and to dramatic producers, of doing their own censoring and of accepting punishment at the hands of the law when they violate it. Many authors, publishers, and others to whom censorship sounds un-American and who fear the possibility of further extension of censorship, agree with picture makers and dealers that public opinion, and not a board of censors, should be their sole judge. That this plan will succeed is shown, producers claim, by the undoubted improvement made in recent months.

Censorship is a vital question. All agree—even the producers and distributors—that some sort of regulation is necessary, that unlimited publication in pictures is unwise. What, then, is the best kind of regulation? Among the many answers to this question—of which probably the most important are Federal censorship by the Bureau of Education, censorship by the National Board of Review, a general system of licensing producers and distributors, state censorship, and the judgment of public opinion



voiced by the patrons of the pictures—this volume presents the pros and cons of state censorship. Although it has been planned for debaters, the general reader will find it helpful in the formation of an intelligent opinion on the subject.

J. R. RUTLAND.

June 9, 1923.

## BRIEF

RESOLVED: *That state censorship of motion pictures should be adopted in the United States.*

### AFFIRMATIVE

- I. The existing methods of censorship and regulation, other than state regulation, are unsatisfactory.
  - A. The National Board of Review is insufficient.
    1. It has no legal power to enforce its decisions.
    2. It may be, or can easily become, a tool of the producers.
      - a. They contribute to its support.
    3. A New York city board cannot represent satisfactorily all parts of the United States.
  - B. Existing laws are inadequate.
    1. Complaint from the public or a lawsuit is necessary to have a film withdrawn from exhibition.
    2. In some cases, present laws governing immoral entertainments have not been interpreted to cover motion pictures.
    3. Responsibility for the exhibition of a vicious picture is not adequately placed.
    4. Offenders are punished only after bad pictures have been shown and have been seen by thousands of people.
  - C. Local or municipal censorship is not satisfactory.
    1. Only larger communities have adopted the plan.

2. The plan cannot easily function in a small community.
  - a. The producers would not likely submit expensive films.
  - b. Competent censors are not easily available in all small communities.
- D. Advisory organizations—like women's clubs, community motion picture bureaus, and like organizations—are helpless when exhibitors and producers find a strong public (?) demand for salacious pictures.
  1. They cannot punish violators of the laws of decency, except as heretofore explained.
  2. Even their children's curfew and special selected program schemes have not been successful.
- II. State censorship would improve the present situation.
  - A. It would simplify regulation.
    1. It would fix responsibility on a board of censorship.
    2. It would create a uniform standard of judging films for a whole state.
  - B. It would be less expensive.
    1. Money spent for municipal censorship could be saved.
    2. State boards of censorship are self-supporting.
  - C. It would safeguard society from the insidious influences patent in unregulated exhibition of moving pictures.
    1. It would protect the small child and the adolescent from the shock of witnessing violence.



2. It would curb that encouragement of crime inherent in the reiteration of criminal themes.
  3. It would prevent the derision of racial or religious groups and officers of the law.
  4. It would protect poorer sections against low, vulgar, or worthless films.
  5. It would elevate the tone of pictures intended for adults by excluding pictures of low moral influence, such as vulgar comedies, over-emphasis of the domestic triangle, and other sex themes.
    - a. What happened to "Carmen" is an example.
  6. It would eliminate from films suggestions that might give foreigners false impressions of America.
    - a. Many of our films shown abroad have given foreigners false ideas about our manners and morals.
    - b. Immigrants get warped ideas of American social standards.
- D. Censorship has already improved conditions.
1. The "thirteen points" subscribed to by several producers are a concession to constructive censorship already established in certain states and municipalities.
  2. Supporting producers are slow to send out through exchanges pictures that have been condemned by official and unofficial boards.
  3. Censors eliminate unfit scenes and reels very frequently.
    - a. (See lists of eliminations by New York, Pennsylvania, or other state or municipal boards.)

III. State censorship is in harmony with American ideas and ideals.

A. It is constitutional.

1. A liberty may be infringed upon by legislation with the consent of the Supreme Court, when restriction results in a benefit to all the people.
  - a. The 18th Amendment prohibiting the manufacture and sale of alcoholic liquors has stood the test.
2. If state censorship were not constitutional, the laws creating state censorship boards in Ohio, Pennsylvania, Maryland, Virginia, New York, Florida, and Kansas would have been declared unconstitutional.
  - a. Courts have sustained these laws.

B. If picture censorship seems to discriminate against the movies in favor of the press and the drama, the immensely greater immediate influence of the movies makes the problem different and more serious.

1. The movie has a vastly larger audience than both the press and the drama.
2. The conditions for "crowd psychology," which causes people in the mass to yield to suggestions that they would instantly reject in the office or at home or elsewhere, are normally present in the movie theater.
3. James' idea of the "moral holiday" in the lives of respectable people is apparently confirmed by the fact that audiences will applaud movie pictures of the subtly salacious type or of a crime that breaks an otherwise impassable barrier between the hero and the heroine.
4. The visual appeal is stronger than any other.

- C. State censorship is fair to the producer and distributor.
  - 1. Censorship prevents violation of the law.
  - 2. The fourth largest interstate business must be suitably regulated, like other big business.
  - 3. Community or local censorship, if generally adopted, would work a greater hardship.
    - a. The number of varying opinions would be greater.
    - b. Expense and delay would be greater.
  - 4. Censors are considerate.
    - a. They respect the producer's rights as well as the public's.
      - (1) Changes in decisions show willingness to take producer's point of view.
  - 5. Delay of releases would not be very serious.
    - a. Cooperation between state boards would be feasible.
    - b. Pictures recommended by reputable agencies could, in some cases, be passed tentatively without review.
  - 6. The producers and distributors must share with the exhibitors the responsibility for bad pictures.
    - a. Common law governing local amusements, now in force, reaches only the local picture show manager.
  - 7. Expense of eliminations would be reduced to a minimum.
    - a. Manufacturers would know what the legal standards were.
- D. State censorship is fair to the individual and to the local community.

1. Small communities are unable to cope singly with the giant movie business.
  - a. Without cooperation, such as state censorship gives, small communities have to take what the exchanges send or nothing.
2. Political perversion of news and senseless mangling of educational pictures are very rare, and, sometimes, may be justified in view of local conditions.
3. Absurdities and inconsistencies of elimination, denying the citizen's right to see all that may be shown, will grow fewer year by year.
  - a. Producers will meet the new demand of public opinion.
  - b. Censors will profit by experience and by cooperation.
4. No pictures of really great merit will be denied exhibition.
  - a. Boards of censors, in the long run, will consist of intelligent people who will adequately enforce public opinion.
  - b. Narrow-minded censors who mangle pictures passed elsewhere will be dismissed.

#### NEGATIVE

- I. State censorship, as it is practised today, is undemocratic.
  - A. It is out of harmony with the spirit of the American Constitution.
    1. It provides for punishment before crime has been committed.

2. It limits freedom of speech and publication necessary in a democracy and guaranteed by the Constitution.
    - a. It restricts publication to the private opinion of a few politically appointed individuals.
  3. It takes away from communities the right of self-government in matters not affecting other communities.
- B. It is class legislation and as such discriminates against moving pictures, as compared with other forms of free speech, the newspaper, the book, the magazine, and the drama.
1. Other organs of free speech are not called to trial until they have published offensive material.
  2. Other publishers are allowed to defend themselves in open court before a jury of their fellows.
  3. Censorship retards unjustly the natural development of pictures.
    - a. It seriously limits the right of experimentation.
    - b. It would compel, if adopted by forty-eight states, forty-eight differing conceptions of morality and good taste.
  4. It would delay releases.
    - a. Forty-eight state boards would have to pass upon a picture.
- II. State censorship is not satisfactory where it has been tried.
- A. What one board eliminates another passes.
1. Whole reels condemned by one state are permitted in another.
  2. No two boards make the same eliminations in the same film.



- B. News and educational films are sometimes tampered with.
  - 1. News reports of Hughes' condemnation of movie censorship were forbidden in Kansas.
  - 2. Scientific and educational films have been mangled to conform to rules formulated for amusement films.
- C. The censor privilege has been perverted for political reasons.
  - 1. The negro vote in Ohio prevented the showing of "The Birth of a Nation" in that state.
  - 2. The Ohio and Pennsylvania censorship boards eliminated pictures of the coal strike in 1919—the latter at the request of the governor.
- D. Reasons for elimination are often inconsistent and absurd.
  - 1. "Carmen" was rejected in three states for three different reasons.
  - 2. Ohio permits no pictures of smoking women.
  - 3. Pennsylvania prevented the showing of a farcical scene in which a man burns a letter from his wife, because (forsooth) it showed contempt of the marital relation.
- E. No universal, absolute standard of morals and good taste can be formulated.
  - 1. The conception of what is immoral, indecent, or not in good taste varies with the individual, social group, or in accordance with one's experience, education and environment.
    - a. Pictures of bathing girls, of dancing in short skirts, etc., would be received differently in different communities.

- b. Although Schnitzler's "Anatol" on the stage or in the pictures would excite little adverse comment in Paris or Vienna, it would be considered unfit in many an American community.
  - 2. Censorship is helpless in dealing with slapstick comedy, romantic tommyrot, scientific misinformation, inartistic plots, many distasteful views of life that may be true.
    - a. No two people react similarly.
    - b. Taste and good judgment are products of slow growth and maturing intellect.
- F. Pictures in censorship states are not better than those in other states.
  - 1. No state board can meet absolutely all community conditions.
  - 2. Elimination often mars the author's or the producer's intended artistic effect.
- G. Censorship creates the wrong attitude of mind for censors and producers.
  - 1. The censor feels compelled to eliminate.
  - 2. The producer makes up films with obvious faults so that there may be something to delete.
- H. It is not a satisfactory solution of the child problem.
  - 1. Pictures for adults must not be censored for children.
    - a. It is unfair to adults, for whom pictures are chiefly made.
    - b. Parents must protect children from these as they protect them from vicious books and periodicals.
  - 2. It is the parent's business to censor for his children.
    - a. Parents, like censors, differ.

- (1) One parent is known to have taken his daughter to see "Damaged Goods," a play on a subject usually banned from the conversation of young girls.
  - b. Pennsylvania prevents the display of a layette or any suggestion of approaching maternity, whereas many parents believe in dispelling the "stork" illusions by talking about natural facts in a frank manner.
- III. State censorship, if censorship there must be, is not the best method of protecting the public from bad pictures.
  - A. If censorship before publication be essential, national censorship is better.
    1. It would be less expensive to the people.
      - a. One board could serve for all the states.
      - b. It would eliminate opportunities for graft by state boards.
    2. It would set the same standards of taste and morals, right or wrong, everywhere.
  - B. A licensing system would be better.
    1. The responsibility for bad pictures would then be placed, where it ought to be, on the producer and distributor as well as on the exhibitor.
    2. Fear of loss of license to continue business would deter manufacturers from making pictures about which they had any doubts.
  - C. Local public opinion is the best judge of the fitness of local amusements.
    1. Churches, clubs, parents, and good citizens may enforce local standards of taste and morals.



2. The local exhibitor can then be held responsible.
- D. The National Board of Review is impartial and efficient.
1. Its nearly two hundred members receive no salaries—not even carfare.
  2. Its work is supported by taxes on films reviewed, by sale of its services, and by subscriptions from persons and organizations interested in the production of good pictures.
  3. It serves directly large cities in thirty-eight states through bulletins and other means.
  4. It assists churches and educational organizations in finding suitable pictures.

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## REPRINTS

### CENSOR AND THE "MOVIE MENACE"<sup>1</sup>

In my contribution to the *North American Review's* recent discussion on the "Menace of the Movies," I have no wish to examine the reasons for the fascinating hold of the motion picture on the public, but it is my intention instead to explain the quarrel of the people, or that part of the people who have a responsible social sense, with the moving picture on moral grounds.

That there exists a deep seated feeling unfavorable to the film, unless it shall first have passed through the hands of competent officers, who shall inspect it, to see what it contains, is undoubted. The declarations of large numbers of secular organizations dedicated to the cause of social betterment, as well as many religious and semi-religious bodies are proofs that the manufacturer who, for his profit, will pander to the peoples lowest tastes, will not for very long go forward uncontrolled. The rules which T. P. O'Connor enforces as Film Censor of Great Britain; those which must be heeded in Quebec, Ontario and all the provinces of Canada, in Australia and in Japan; in Pennsylvania, Chicago and several other states and cities in this country, are founded on the conviction that there are common public rights which must be guarded as this great new industry proceeds on its victorious course. The fact that there were bills proposing boards of review before the legislatures of twenty-five or thirty states last year, and that these proposals will reappear in the same legislatures next year, and thereafter, if necessary, until they are enacted into law, further confirms the observant

<sup>1</sup> By Ellis Paxson Oberholtzer, Secretary of the Pennsylvania Board of Motion Picture Censors. *North American Review*. 212: 641-7. November, 1920.

man, whether he be in or out of the industry, in the knowledge that in the belief of those who, guided by a conscientious purpose, usually cause their views to prevail in the end, there is a "menace" which calls for community action at once.

The nature of the picture man's offense is not difficult to state by one who has gained a familiarity with the whole film output, as it comes from the projection rooms of a board of review like that in Pennsylvania, for, let us say, five years, as I have done, seeing and considering it each day with the aid of my colleagues and assistants to the extent of from twelve to twenty million feet annually. The experienced British Board of Film Censors has classified its objections under a variety of heads. Omitting those which are dictated by considerations of public policy due to the war, they are seen by reference to a recent report to include the following: indecorous, ambiguous and irreverent titles and sub-titles; cruelty to animals; the irreverent treatment of sacred subjects; drunken scenes carried to excess; the *modus operandi* of criminals; cruelty to young infants and excessive cruelty to adults, especially to women; the exhibition of profuse bleeding; nude figures; offensive vulgarity and impropriety in conduct and in dress; indecorous dancing; excessively passionate love scenes; gruesome murders and strangulation scenes; executions; the effects of vitriol throwing; the drug habit, e.g., opium, morphia, cocaine, etc; subjects dealing with the white slave traffic; scenes dealing with the effects of venereal diseases, inherited or acquired; themes and references to "race suicide"; materialization of the conventional figure of Christ.

Turning to Pennsylvania, which has taken a leading position in this department of community service in this country, it is plain that its rules reflect the same standards of moral feeling and are aimed at the correction of the same evils. It could not be otherwise for the material under review comes from the same sources. It appears that 90 per cent of all the films shown in Great Britain



originate in the United States.<sup>1</sup> Last year we exported to that and other foreign countries enough cinema ribbon to encircle the earth twice at the equator. The law in Pennsylvania which has been serving as a model for the rest of the country, prohibits what is "sacrilegious, obscene, indecent or immoral," and "may tend to debase or corrupt morals," and the definitions given to these words as a result of the observations of the members of the board in that state have led to the use of a code very similar to that which guides the gentlemen who have control of the subject in England. Not very different standards direct the course of boards of review in other parts of the United States and in Canada, and I infer from information furnished me by Mr. Tachibana, the censor in Tokio that like views of what is proper and improper actuate the authorities in Japan, for they forbid:

What represents action too cruel and atrocious, disgusting and obscene conduct . . . and vulgar . . . love affairs.

What shows or suggests methods of committing crime or the means of covering up crime which may lead to imitation.

I am no friend of the censor as such, or for that matter to any name or political order which suggests governmental control. Indeed I am an individualist who would dwell in the Arcadian state of Herbert Spencer, wherein men would interact one upon another in complete freedom. But here are exceptional needs to cover the exceptional case. It is plain that such an officer is acting upon no very new principle. We censor our own thoughts before we utter them if we are esteemed as neighbors and citizens. This essay will be reviewed and censored before it shall come forth in print. The book, the magazine, the journal, the advertisement are edited. Precisely this function is performed by an officer who surveys the moving picture. He edits the film before it is presented to public view. That he acts for the state instead of some other interest cannot alter the form of service which he performs.

It should be, I believe, not much more unpalatable

<sup>1</sup> Report of British Cinema Commission of Inquiry pp.xxxi and 15 on the testimony of Mr. O'Connor.

to the author of a play or a novel to have his story changed by any censor—more or less competent—put forward for the work than by the producer, director, or “scenario writer” in a picture studio. As a matter of fact I shall catch the spirit of his work in all probability more successfully, alter his script in much less radical ways than those worthies, and, if I make excisions and reconstructions, I shall, three times out of four, leave the film nearer the author’s original form than I found it. I, as a censor, have never taken Clyde Fitch’s “The Bachelor,” and called it “The Virtuous Vamp;” Barrie’s “The Admirable Crichton,” and called it “Male and Female;” “La Tosca,” and called it “The Song of Hate;” “The Jewels of the Madonna,” and called it “Sin;” “La Gioconda,” and called it “The Devil’s Daughter.” The celluloid people have done these things. And there is no writer, openly or secretly, who does not rave at the slashing and cutting which goes on behind his back by the film makers.

Some producers take two hundred thousand feet of film for a picture which in the end will measure only seven or eight thousand feet—twenty feet, therefore, for one foot intended for final use. All directors make much more than they need and then by a process of selection, of editing and censoring, and re-editing and re-censoring present us with the finished thing. Is it then so very extraordinary a proposal that some one, seeing all from a height and representing the common interest, should have an editor’s powers over what in the film output shall appear to contravene public policy?

I find nothing strange in such an exercise of power with reference to an agency which carries messages so vivid and impressive to the population. It is not more oversight than we give to a hundred other subjects—not more, let us say, than the supervision of the food supply or the automobile. We require that meats, eggs, butter and milk shall be wholesome when they are set for sale. The driver of an automobile must secure a license; he is

limited in his rate of speed. There are public interests which he must hold in view as he goes up and down the road. I say as much for the picture man. We meet him as often as we do the vender of food or the motor car, and he must be bound to good order. The law which prohibits one person from taking the life of another or from stealing his child, his ox or his silverware is not for that large number of people who have no wish to slay or rob. The regulations as to impure food and fast driving without licenses or lights are not for those who never err in these respects. The penalties are for men who stand ready to offend. They are silent reminders to deter those who might misconduct themselves if they could, and stand there to be enforced against those who shall dare so much in a direction which is at variance with our notions of common weal.

Again, it is not far from a law which says that nothing which is improper on moral grounds shall be shown in a theater to another law which is effectively devised to enforce this principle. From the welter of discussion which the subject of censorship has evoked, nothing has come so far as I can see, except this: The common law, amplified by the statutes of the states, and the ordinances of cities, governing the character of our theatrical exhibitions, are apparently acceptable to the picture man, and the journalist and the attorney, who are employed to speak for him. His objection begins only when a method is found to give practical effect to the law. It is clear that our ordinary police and constabulary authorities are unable to exercise a suitable care over the moving picture house. Their duty is to preserve good order in the streets and there, indeed, their competency is sometimes in question. With the film which travels hither and thither elusively daily, they have neither the time nor the knowledge to deal. What more natural, then, than to say that this film before it may be shown at all, shall be presented to specially delegated officers who shall view it, and if they find it good, shall certificate it and license



it. It is merely, as I regard the subject, after long consideration of it, a practical means of administering law with reference to a new activity, which is of such a nature that it cannot be kept under legal control otherwise. By this means the film is taken quite out of the control of the regularly established police agencies—they are left free for their more appropriate tasks, the people are assured that what they and their children shall see will do them no injury, and the picture man himself, if he were worldly wise, would understand how much he might gain by cheerfully assenting to a policy which must protect him from the random offender, who with but one bad picture may give the public a distorted view of the character of the whole industry.

Moreover the picture makers themselves have long supported a general system of censorship. In the National Board of Censors, now called a Board of Review, they recognize the authority as well as the necessity of a general oversight of their product. Upon a picture before it leaves the studio the legend is printed, with a premature assurance, one would suppose, "Passed by the National Board of Review." We are given to understand, therefore, that the principle of editing film after it is produced, of changing it to conform to some standards of social right, has the approval of the trade. The only question is as to who shall be the judge and the jury in the case. Shall the result be arrived at under the direction of the defendant and the attorney for the defence, or shall the prosecutor have a hand in the proceeding in a regularly established tribunal where there may be hope of bringing out the truth and of enforcing at need some penalty under regular forms? That the industry as such has a conscious wish to violate the rules of good order, neither I nor any who has had its movements under long observation would assert. Many high minded men have been and are now associated with it. But it is particularly fluid. Few who were known in it in its first days are still

actively interested in its fortunes. Companies rise and fall; they are organized and reorganized. A year or a month, indeed, reveals a complete change in the personality of a film corporation.

The conditions under which film is manufactured, distributed and exhibited are such that any adventurer can enter the business and make his escape before one quite knows what he is about. It is a truth beyond dispute that a picture designed for prurient tastes will bring a long queue to the portals of a theater. That in the long run such a "show" will not be successful is a platitude to which one can honestly subscribe. But meanwhile this kind of an exhibition has had a transient popularity with our adolescent boys and girls and others who are perpetually curious on the subject of sex, and it is gone, its owner going with it loaded down with his gains.

It is this evil note in pictures which I labor with enthusiasm and satisfaction to suppress. To know that so much may be done and is done is reward enough for anyone who has a correct and responsible social feeling. The film man who uses a story dealing with sex questions in their ugly forms or who makes partial draughts upon the forbidden and intimate side of such relationships to enliven his theme and lend zest, or "punch" as he calls it, to his product, is an enemy of mine and I am an enemy of his. That he is engaged, as he wishes me to believe, in the noble business of teaching a lesson, I deny. My position on these matters is that of the British Board of Film Censors on the subject of drug pictures. "It is said for such films that they serve to warn the public against the dangers of the abuse of drugs," so runs the report, "but the board decided that there being no reason to suppose that this habit was prevalent in this country, to any serious extent, the evils of arousing curiosity in the minds of those to whom it was a novel idea far outweighed the possible good that might accrue by warning the small minority who indulged in the practice."



I am, therefore, not to be beguiled by the protestations of such a picture man. I have met him and he resembles a teacher less than anyone I have ever seen. Whether he acts for himself or for some league for social education which he forms to father his enterprise, he is a speculator who is trading upon the salacious tastes of the people. It is clear that the theater is not the proper place for the inculcation of such lessons, or the theater man the proper person to bear such delicate lessons to the young. We have the church, the school, the home and our social organizations—in them still as hitherto communications of this character can be made to boys and girls. Such an “educator” is acting with malicious deliberation and he needs to be taken in hand vigorously.

I am not without a sincere confidence in the future of the picture if we shall move forward under an enlightened system of oversight. It is probable that an actor like Mr. Skinner, that a critic like Mr. Eaton and others of us who are tied by sympathy and tradition to the stage, may not have the fullest understanding or appreciation of this new art. All, however, have the right to demand that it shall be decent, and to expect as well as hope that the producers will use their endeavors to assist whoever may be laboring toward these most desirable and necessary ends.

### WHAT ARE THE MOVIES MAKING OF OUR CHILDREN?<sup>1</sup>

(The Editors of the World's Work have had occasion frequently of late to observe a growing concern among parents and students of social science, for the influence which the motion pictures are exercising on the habits and characters of young people. The new theaters are so numerous and so cheap and so alluring that they have produced almost a social revolution in many parts of the country.

<sup>1</sup> By Ellis P. Oberholtzer, Secretary of the Pennsylvania Board of Motion Picture Censors. *World's Work*. 41: 249-63. January, 1921.

The art of the motion picture is so vivid that its effects upon impressionable minds is tremendous. Here is a new moral and educational force of the first magnitude, operated wholly for private gain and subject to practically no control in the public interest. What is its present character? How should it be controlled? (Dr. Oberholzer, by virtue of several years' experience in passing upon films before they are released, writes not only as a social philosopher but also as an expert upon motion pictures)—

*The Editors*

If the making and exhibition of moving pictures is the fifth or fourth industry in the country, as producers of film often say, its importance from the standpoint of business cannot be easily over-rated. They declare, too, that one out of ten persons in our American states—men, women, and children—goes into a picture house daily. We export enough film to Europe, Asia, Africa, Latin America, and the South Seas in a year to girdle twice around the earth at the Equator. The trade spells wealth to large numbers of people identified with it, just as it also means entertainment to the multitudes in this and other countries who watch its reels unfold their endless story of adventure and romance.

One must wonder what changed consciousness, what altered outlook comes to those who live in this shadow-land. Is there net gain in it? We constantly hear that there is harm in film, or in some portions of it. Producers in their comedies are vulgar. Their film stories are often set in the underworld. Boys, getting the suggestion from the cinema house, become amateur highwaymen. Those who have evil instincts see all manner of crime, indeed, the detailed illustrations of feasible methods of committing it. Keepers are told by inmates of reformatories and penitentiaries that they were prompted to wrong doing by looking at moving pictures. Adolescents are fed upon sex stories and are excited to sensuality and passion. The pretty innocence of young womanhood, the chivalry of young manhood are swept away. Under the

masque of instructing girls about white slavery or the dangers of malpractice, and boys about offensive infectious diseases, film which never should be shown is widely circulated.

On the other hand, everyone, everywhere, acclaims the "news picture" as the readiest and the most vivid way of getting an account of the principal happenings in all parts of the world. Camera men, like Associated Press correspondents, are on the ground to record each event, transcribe it and hurry their film to the picture companies of New York. The scenic or magazine picture, sometimes in color, is educational in a wholesome way. The actual scenes of mountain and river, valley, field, desert, lake, and waterfall, of peoples, buildings, and things, near and far, indeed unto the remotest ends of the earth, are reproduced with a fidelity which commands our enthusiastic admiration.

The picture play carries a message of hope and cheer into the lives of masses of men and women, particularly when they are consigned to the dreary routine of hamlets to which other dramatic entertainment never comes. To the people of many a little town, the film is at once their art, drama, literature, recreation and education—their only point of contact with the cultural world. It would be hard to think of any invention of modern times in our great assortment of improvements which has it in its power to lay so much at the door of humanity. On a strip of celluloid ribbon, no wider than a redding-comb, and wound on spools which are unwound and rewound night after night until they fall to pieces and then are replaced by similar prints from the "master negative," so long as it endures, a story goes over the world bringing the entertainment imprisoned underneath its surface to millions of people.

The actor on the stage spoke to a few hundred, and himself traveled to reach a few hundred more. But now his picture travels. It is seen, it may be, a hundred or two hundred times simultaneously in as many places in



his own country and in a score of foreign lands. Such an influence rivals that of all the stages, pulpits, lecture platforms, newspapers, and books hitherto known in the world. A picture company which issues a news reel each week announces that it has twenty-nine million readers. A popular photoplay comes before as many pairs of eyes. "Rags" and "Suds," many a Chaplin comedy and "Bill" Hart "Western" have been seen by ten times twenty million. "The Birth of a Nation" has given American history (false and true mixed together) to more of the world than have all the text books in all the schools. The acting, the sumptuous indoor sets, the outdoor scenery, remarkable for its variety, the latest mechanical lighting effects, entertaining incidents, dramatically arranged, have widened the experience, quickened the imagination, and satisfied the craving for romance of multitudes who are deprived of the education that comes of books, travel, and human association, and who but for this agency, would live and die in constricted little circles of duty and work into which they were born.

Such a service is of infinite value. It is easily appraised and can be cheerfully acknowledged. It would not seem any the smaller or less important if we study a side of the development of the film business which points in another direction. The good only makes clearer the wrong of using this influential agency for personal ends, for turning it, as in so many outstanding cases, to the selfish account of greedy and conscienceless man. In the whole product each year there is a quantity of material which is manufactured with the primary intent of making money out of the salacious tastes of the people. The producers of such films, as everyone at all familiar with the facts knows full well, are not acting in the interest of any dramatic end. They select a theme and give it settings with the object, principally, of lining their pockets without regard to the public welfare.

A picture which is made to bear the name of "Tainted," "Hell Morgan's Girl," "The She-Devil" (I know two separate pictures of this name), "Shackled

Souls," "The Scarlet Woman," "The Mortal Sin," "The Courtesan," "The Libertine," The Littlest Magdalene," "The Sin Woman" by its very title appeals improperly for public support.

Even when a film story is adapted from a well known play, opera, or book, it may be given a new name for commercial purposes. I have in mind "La Gioconda," which, when "picturized," became "The Devil's Daughter," "La Tosca" made into "The Song of Hate," and "The Jewels of the Madonna" which was offered as "Sin." More recently Barrie's "The Admirable Crichton" has been filmed as "Male and Female," Clyde Fitch's "The Bachelor" is "The Virtuous Vamp," and a story founded upon the play, "Du Barry" is "Passion." The picture itself may be unobjectionable; it may indeed have positive value. The disheartening, really disquieting symptom, when we diagnose the case, is that those who are in close touch with our amusement business and follow it for gain feel that they must resort to such contemptible devices to attain success.

So, too, will recourse be had to unfair, if not false, advertisement for the sake of what the picture man calls "ballyhoo." I do not allude so much to the appearance of "bathing girls" in the street or in the foyer of a theater, or special advertising schemes of this kind, as to the placing upon highly colored posters, which flare in front of our picture houses, of sensational, if not lecherous, scenes to arrest the attention of passers by. It may be that the views which are depicted do not appear in the film at all. The unhappy fact is that the maker or distributor of the picture is of the opinion, as a result of more or less broad experience, that such appeals are strong, and that thus shekels may be taken in, when there are not outstanding attractions of an honest kind to sell his wares. And by good fortune there are other attractions.

Though the name of a book or play is at times discarded, at other times this name is accounted to have great value. A star or a company of stars may seem to



enjoy favor enough to draw a crowd to the door. It is assuring to know that Mrs. Humphrey Ward's "Lady Rose's Daughter," and "The Servant in the House" of Rann Kennedy, to mention very recent cases, have been held to need no such extrinsic advertisement and that players who are always in clean pictures like Mary Pickford, Douglas Fairbanks, and Marguerite Clark, in what ever they may be seen, have had enormous popularity. With such instances in mind the conclusion is inevitable: that there has been and that there still is a substantial demand for the good and the legitimate on the motion picture screen.

I have often been told, when I protested against a particular scene in a film, that this is but a transcript of what is described in a newspaper or magazine. Conditions are very different; the analogy is false. A printed line may tell of the birth of a child; a photographic depiction of the processes of childbirth is another matter. An assault upon a woman may be alluded to in print; it may indeed be the climax of a story. But to photograph the last details of such an attack and reproduce each movement in the graphic method of the "movie" is to offend good taste and often good morals. To declare that a man opened a window and "cracked" a safe is a usual communication but to put the description into film with the reality of the actual robbery may be too instructive to those who may see the ease and entertain the advisability of imitating the feat.

"Boss" Tweed said when he offered Thomas Nast \$500,000 for ceasing to caricature him and his companions in thievery in Harper's Weekly—"I don't care so much what the papers write about me—my constituents can't read; but they can understand pictures."

So it is with the "movie." It can be understood by persons of the lowest degree of intelligence and by children. They can sit in cushioned seats and look, to the accompaniment of music, to the vivid and seductive representation of scenes upon the screen for hours together,

though they may not be able to read a line of print. We have begun to use film to instruct strangers from other lands as to our American institutions. They are being shown on ship board before they land at our ports what we conceive it to be good for them to know. What then must be the effect, if we shall set before them, after their arrival upon our shores, the unrestricted offerings of picture producers in whose hearts and minds there is an absence of responsible feeling—pictures of crime and more crime in infinite variety designed to create dissatisfaction, it may be, and certainly to suggest a defiance of the orderly restraints of society!

I have never seen the running off of a crime serial without being induced to grave meditation. The story in sixteen or eighteen episodes, two reels of which are shown on a Tuesday evening, leaving the hero or heroine, as the case may be, under a crushing machine, or in the track of a stream of acid, or confined in a sewer amid serpents, to be rescued in two reels on the Tuesday following only to be hurled in turn into some similar predicament, is an achievement on the part of our picture men of which they are frankly ashamed. No one can doubt this, yet few companies feel that they can present a favorable balance sheet at the end of the year's business without constantly carrying along one or more of these preposterous continued stories.

Frequently we are asked if there is not a film which is made for children "movie" fans. This is it. And also there is the "slap stick" comedy which Charlie Chaplin, "Fatty" Arbuckle, Mabel Normand, and Ben Turpin invented, and many like them carry on ad infinitum; these must be accounted to be the screen's contribution in this field. The weary indulgence with which a boy or a girl usually sits through a five or seven reel sex melodrama, awaiting the next thing on the program, the reception which that thing receives from small hands and feet and many a voice makes clear enough their reason for liking

the "movie." Often as I have sat in the small theater, in what we use to call "nickleodeon" before the war came to alter our views of prices, the very announcement on the screen that the "9th Episode" of "The Flaming Spectre," or "The Black Claw," or "The Yellow Terror" would be presented in that house on the following Wednesday afternoon was enough to awaken Bedlam. The psychological effect of such exhilaration of the ganglia of the young may be left to those who know the subject scientifically. A layman can merely conclude that a given amount of pictured crime and violence, unrelieved by any lesson in virtue, administered to a brain in a formative state, each day or week, is not without grave influence.

If it were worth while for us a generation ago to condemn the dime novel, which the youth of our land read in stolen hours behind the barn, we probably shall not have very much approval to bestow upon the same thing made into a picture which can be absorbed as water enters a sponge without the toil of spelling and getting the sense out of the printed characters. The man who manufactures and distributes such film is acting very obviously for his own pecuniary advantage, and the boy is acting pretty plainly for his moral disadvantage. Quite patently both the producer and the consumer are going on without taking account of the larger interests of society.

It is not necessary to be a reformer to be filled with wonder and doubt concerning much that proceeds on all sides of us. It is a new world. But as one innovation succeeds another we orient ourselves with respect to it. The gasoline driven vehicle has come to fill our roads and streets. We have subjected it to reasonable regulation. It must not go about at night without lights. It must be licensed to proceed abroad at all. It must obey the rules as to speed and observe other requirements in the interest of public safety. We make certain that food



shall be wholesome before it is offered for sale, that water shall be pure, that the air around us be not vitiated by noxious vapors from the chimneys of our factories. We surround ourselves with an infinite number of legal safeguards with reference to the concoction and sale of medicines and their application.

The efforts which are made to convert the most unpromising of young human beings at school into useful citizens are many. From the care of their teeth and the public feeding of them when they are hungry up to the old purely educational processes developed to the nth degree, our social efficiency has been tried and proved. I for one fail to see, therefore, how by any fair system of reasoning we can be held to be without some duty to inquire into the course of the film man with his fifteen thousand or more picture houses set in every nook and corner of the land at the door of each inhabitant. The misbehavior of this citizen, if he does now or ever shall misbehave, is not beyond our concern. The rules which we shall make will not be onerous to him, if he will keep to the right course—not more than preventive law in any other industry. He will feel, we shall wish him to feel, the presence of social restrictions only when he runs counter to the general sense and acts in some manner which we after reasoning together, determine is contrary to the public weal.

How then shall we proceed? Our intervention, if it be worthy of our devising at all, must be effective. It is pointed out that we already have common law, supplemented by statutes and ordinances bearing upon indecency and obscenity which cover the movie man's transgressions. So much is true. Legal provisions of this kind have been applied irregularly and vicariously when the machinery has been started by agencies intended for and devoted to the application of other restraints. Some voluntary committees and associations have tried moral suasion. The producers themselves, sometimes sincerely,

have united to bring about better conditions in their industry. Not a few have felt that if such activity were not manifested with reference to other manufacturers, for instance, of what is known as the "state's rights" picture, i.e., one sold or leased through special agencies by persons not habitually or responsibly associated with the trade, the entire situation would be endangered. The movement for control, in the face of such examples of wrong doing, would extend until public opinion were brought to the point of condemning the "movie" in general and as a whole. Such fears are not without ground and the course taken by such producers has been shrewd.

But the conditions in this great industry are such that spasmodic intercession from such sources has not materially improved the situation. The source of the difficulty has not been reached, the public interest is no more safeguarded than it was before. Clearly, so students of the problem after long contact with it declare, there must be some legal penalty, such as is provided by the existing law on the subject of obscene communications. And there must be more, for those laws were made before the "movie" was dreamed of. They are no more applicable to it than the general laws relating to the road were applicable to the automobile when it appeared on the scene.

Moreover, so the students of the situation assert, there must be special agents whose duty it shall be to watch the "movie" and note the course of those showing it everywhere. It goes about in its tin box by railway train, motor car, and bicycle each day. It is here a little while and proceeds almost at once to another place. Before its character can be known, after its "one night stand" in one hamlet, it is off to the next town. Policeman or constable cannot deal with it, even if he had standards of judgment qualifying him for such a service. Only one method suggests itself to the student of the problem and this is a pre-view of the film before it goes forth at



all, and the licensing of it to proceed only after it has conformed to the rules made for it by intelligent and competent men.

This inspection has been called censorship, a name which many do not like. It can be called anything else. The point to be held in mind is that the film is to be physically looked at and approved as fit for public showing before its circulation is begun. Some one person, or small group of persons, familiar with the whole subject, must sit in the dark room and review the film, certifying to its good quality, if it is good, and insisting upon excisions and eliminations, if it be not good. Such film as no changes can disinfect and purify must be entirely barred from exhibition.

It is to this point in dealing with the problem that much of the world has come. England has an effective, though it is in a measure voluntary, control by pre-view. Scandinavia, all Canada, Japan, British Australasia follow similar methods, as do a number of states and cities in the United States. Germany, which lapsed into great freedom after the war ended, has recently found it necessary to reestablish reviewing stations to check the exhibition of offensive film. The law has been invoked and the situation is under control.

It is contended in this country that as soon as the weight of pre-view sentiment shall increase sufficiently to bring other large states to the support of Ohio, Pennsylvania, and those which for some years have followed this policy, the evil influences which emanate from film will be appreciably reduced. The statute governing the Board of Censors in Ohio provides for a "congress" of censors, which by agreement shall formulate common rules and standards. Such a proceeding would give needed advice to producers and directors. In their studios they could begin a reformation of policy which would be for the general benefit. Pending a Federal law to govern interstate commerce in films, which has been before Congress repeatedly, there would be a starting point for the

choice and treatment of motion picture themes which would give the public protection against evil film it seems to crave and require, and an assurance to producers that, conforming to the provisions of the law in their manufacturing, they will meet with no interference in the pursuit of their business after their film is ready for sale.

Here is the proposed ground for mutual understanding. Unless one be quite unable to read the signs of the times aright, nothing less than such an understanding on the basis of definite law, administered by tolerant and honest men suitable for their large tasks will satisfy the country. Forces are active on every hand which indicate a working out of the problem along these lines at an early day. Thus will adventurers and speculators be pressed from the motion picture field, while that which is of unmistakable value will be emphasized and its vast potentiality for good will be seen and understood by everyone.

### “MOVIE” MANNERS AND MORALS <sup>1</sup>

Almost invariably in amusements designed to meet the popular taste the producers aim below the mark. The taste of the normal human being, however uneducated and undeveloped, is better than those who are so eager to please it believe. One is disappointed to find that often the crudest and most vulgar entertainment produces the greatest applause, but that applause does not necessarily proclaim popular taste. Thus at the movies one hears constant expressions of boredom from even the most unsophisticated people, and constant objections more or less articulate to the glaring improbabilities of situation or characterization.

The influential potentialities of the moving picture cannot be too seriously considered. Undeveloped people, people in transition stages, and children are deeply affected by them. One child who was a frequent attendant

<sup>1</sup> Outlook. 113: 694-5. July 26, 1916. Editorial.

at moving picture exhibitions when taken to the circus, was bored by the exquisite skill of the lassoing feats and the fast riding of the cowboys' ponies. Inured to the sight of horses on the screen running at the rate of a high power motor, the natural motion of even a super-horse must seem a contemptible thing to the child's imagination.

Another disintegrating effect of the sensational moving picture is its influence on the child's sense of humor. Watch a Saturday afternoon audience of children laughing immoderately at automobiles going over precipices and other death breeding disasters as if they were the height of humor. Any serious minded person must be concerned at the spectacle. And it is appalling to contemplate the incredible "movie" English that the child in whose home English may be a foreign tongue is imbibing! Such sentences were surely never met before in anything but an explanatory leaflet printed in English by one who knows it not. A very large number—perhaps the majority of men in the moving-picture business—are men not born to our language; but nothing could be simpler than the employment of some one versed in grammar and syntax to write the explanatory paragraphs. "Jim extols his brother not to perform some deed" is one caption. "Wear this for a sentiment of me" is another. There is no end to the strange lingual misapprehensions.

To the normal grown-up mind the constant exaggeration of gesture, facial expression, action, and situation brings its own antidote of boredom, for beyond a certain point exaggeration cannot create the effect desired. On the other hand, with the vivid pliant mind of the child the reaction is not the same. That the resulting effect is undesirable cannot be doubted for a moment. A picture of life in which the heroine spins around like a top in lieu of walking, in which the wealthy host shows his desire to have a guest leave by throwing him down stairs, in which everybody handles everybody with violence, in which facial expression resembles the squeezing of a rub-



ber doll's face rather than any normal action of the human features, must give to the young mind an angle upon life hopelessly distorted.

Neither does it seem desirable for the child to learn through the moving pictures the changed and sometimes viciously altered versions of the classics and history that they frequently present. Whether it is an exaggeration written into, and therefore weakened, paraphrase of an opera story, or whether it is a presentation of a historical event, the effect upon the young mind is too often an assimilation of facts that are not facts and the acceptance of adulterated versions of literature. When there is historical inaccuracy the case is even more lamentable.

But it is the psychology—or rather the total absence of it—in the average moving picture plays that constitutes its greatest danger to the growing mind. Especially is this injurious to the more or less rudderless being whom we must educate into a good citizen, the child of alien parents who too often is contemptuous of the habits and maxims of his parents and ignorant of anything American but the hybrid pavement life of a polyglot city. The version of life presented to him in the majority of moving pictures is false in fact, sickly in sentiment, and utterly foreign to Anglo-Saxon ideals of our nation. In them we usually find the formula for a hero: he must commit a crime, repent of it, and be exonerated on the ground that he “never had a mother” or “never had a chance”—or perhaps because he was born poor. The heroine is in most cases the familiar passive, persecuted heroine of the melodrama.

There are laudable exceptions—films that are truly educational or of news value, honestly romantic or well acted; but taking the “movies” as they are today the story of the average screen drama plays upon the weakest, most illogical prejudices and sentimentalities of the less thinking classes far more than the old fashioned melodrama.

CRIME WAVE AND THE MOVIES <sup>1</sup>

Altho Americans are sometimes said to be boastful, there is no nation which can, on occasion, speak more frankly about its own shortcomings. Such a typical American is Raymond B. Fosdick, who in his recent book has dealt in no uncertain manner with what has been inaccurately called the crime wave, which in the United States, every now and then attracts the notice of the press. It is perhaps remarkable that in a country which gave to the world the card index and the cash register, there should not be as yet any criminal statistics on a nation-wide scale, like those published for England and Wales by the Home Office in London. But Mr. Fosdick's figures, tho local, are sufficiently startling. In the five years, 1914 to 1918, inclusive, he finds that Chicago with two and a half million inhabitants recorded four hundred and fifty-five murders. England and Wales, however, with thirty-six million people, recorded only four hundred and twenty murders. Of robbery and assault with intent to rob, New York City in 1915 reported eight hundred and thirty-eight cases while in London, reckoned as a larger unit, there were only twenty cases and in Britain as a whole only one hundred and two. Yet we are assured by Mr. Fosdick that the legal definitions of the offences named are the same for both countries.

It is often argued that this abnormal percentage of crime, in a country otherwise governed more perhaps than any other by its own consent, is due to the ill influence of the movies. Los Angeles has one-twentieth the population of London, and it is a fact that of homicides not intended for the camera, Los Angeles perpetrated two more than London in 1916 and ten more than London, the following year. Of all the inventions, either originated by Americans or especially developed by them, the cinematograph is beyond all doubt that which has

<sup>1</sup> By P. W. Wilson, American Correspondent of the London Daily News. *Current Opinion*. 70: 320-3. March, 1921.



most deeply affected the character of the masses. An automobile takes you up in one place and sets you down in another, but does not change your mind. An elevator only raises or depresses your physical anatomy. A telephone carries your thought but cannot create it. A cash register counts your coin and an adding machine adds it but your coin is still, as before, either your weapon of industrial warfare, your investment of social service, your vehicle of pleasure or your idol for worship. But, in the movie, you sit in a dim religious light, soothed by strains which like Tennyson's brook go on forever, and your imagination, so rendered as impassively sensitive as a film itself, has impressed upon it scenes that do often lie too deep for tears. Every week scores of millions attend these mysterious but not unprofitable seances. No art has ever enjoyed so immeasurable a vogue. No fiction, no poetry, no painting, no sculpture, no pulpit and no drama has ever reached so uncountable an audience, in a mood so expectant, so credulous, so impressionable. What the movie has to answer for, no one can say yet; even the oculists, tho scenting prosperity, are still in the dark before that universal screen. But when the time comes, the movie will have obviously to answer for much.

Until I began to think this thing out, I was myself strongly of the opinion that the movie has been an instigation to crime. One day my wife and I visited no fewer than three picture houses in New York. There we learned to our delight of at least three new kinds of attractive felony. It had not occurred to us previously that by merely driving our flivver by the side of grain fields and tossing lumps of phosphorus into the ripening harvest, we could on a warm day burn out the prairie, as Samson used to do, when so inclined, with flaming fox-tails. My wife has particularly delicate finger tips and the knowledge that a lady with delicate finger tips and a stethoscope can open safes without a previous hint of the combination came as a curious surprise. Then

there was the pretty device whereby you rig up a false door in front of a safe, which might not deceive you and me but does assuredly deceive the astute police, who remain in blissful ignorance that a female burglar, happening also by coincidence to be the heroine of the film, is at work behind, among the Liberty Bonds. Justice is also blind. The right man is seldom arrested and hanging is ingeniously reserved for a young fellow who is now serving sixty years or so. There is a general assumption, whatever the detectives may do, it is still "easy money at the Astor Hotel."

Innocent aliens like myself are taught what powerful aids to crime are the telephone when adroitly cut, the automobile, always handy, and the ubiquitous pistol. Many as are my reasons for repentance, never have I once handled a loaded revolver, not even in anger; yet in the movies no lady, let alone a village girl, is complete without the dinkiest little pearlhandled death dealer in her dressing table drawer. This subtle association of firearms and automobiles has brought the wild and woolly west back to Fifth Avenue.

There is, too, a more subtle suggestion of crime underlying the psychology of many "pictures." The hero and heroine often start poor. Indeed, their humble circumstances are frequently made ugly, as if a wage-earner's child must always have a mouth sticky with molasses. But you usually have the comfortable feeling that, somewhere in the background, Texas, for instance, wealth is lurking. Poverty is merely an apprenticeship to pleasure and pleasure comes with the fifth reel. Not only do these fortunate young people get rich quickly, but they get rich without any virtue save good looks and good luck. And their reward is more than any ordinary rich man's fortune. Accustomed as I am merely to the west end of London—to Blenheim and Buckingham Palace and mansions of that modest style—I am amazed by the marble halls, the spacious lawns, the sweeping drives, the

castellated porticoes, the gorgeous salons and noble stairways which seem to be essential to true love in Movie-Land. No automobile is looked at after a wedding, save the automobile which only a handful of people, even in the United States, can afford. And equally resplendent are the dresses. Girls whose surroundings would suggest that they must make their own, appear in gowns which are the dream of the comfortably off. It is at first sight of a hat that oftentimes the hero falls in love. And, of course, he will find the girl's hats very beautiful until he has to pay for them.

All this is shown, not as in painting by some convention of the brush, but in a photograph, actually visualising live people and animals as if in very truth they existed. So complete is the illusion oftentimes that in India the movie has stirred up a grave perplexity, since the natives believe that here is the life lived by white women and their menfolk. A veil of reverence has been rudely torn aside; and the sequel is yet to come. But I can imagine some disillusionment, even in the United States. The immigrant comes here and throngs the picture house. There is small hint for him that, like the Pilgrim Fathers themselves, he must build his home with difficulty and labor hard. When the performance is over, out he goes into the streets, to find what? The palaces have faded away, but not the pistol,—that is available; not the automobile—that may be somehow obtained; and as for the police, how often has he read of crime, how seldom of the sentence! Women, too, in the department stores, see exposed to their eye and hand, the very treasures that seem essential to a man's love and admiration and their own vanity. Theft seems so easy and so venial.

That is the argument for the prosecution and it seems to be, on paper, unanswerable. But there remains a bull point for the movies. Los Angeles answers: "You say that we promote crime in the United States so that our people behave worse than the British; but are you aware



that the British also have movies, that for years past, nine out of ten of their pictures have been bought from us, that it is we who have taught the British working girl how to adjust her hat, eat with a fork and look neat in a blouse, and if this is so—as it is—why don't they rob banks in London, if the fault lies with the movies? Were there no hold-ups in the United States before the movie came? Did picking pockets start with Mary Pickford and were no trains robbed until Bill Hart went on the Red Cross Drive?"

That is the other side of the case and it is now for the public to hand out the verdict—are the defendants guilty or not guilty? Frankly, I do not think that the defense is conclusive. If the movie crime were of another country than the United States, or of another century than the 20th, or of other classes in society than those to which belong the spectators, it might be a little different. The peril lies in the intimacy of the suggested offences. They originate in average minds, in well known offices, in familiar bedrooms, in easily identifiable streets, where all is going on in the picture just as usual. If there be anything in the power of suggestion you surely have it there. Moreover, in the movies, as in the Psalms, you often have the wicked man flourishing as the green bay tree and the young folks are inclined to ask, if he got away with it on the big scale, why may not others try their hand in a modest way?

## MOVING PICTURES, BOOKS AND CHILD CRIME <sup>1</sup>

The reformatory that we visited today receives boys from all over the state; boys sent there for all sorts of juvenile delinquency—things that among grown-ups are called stealing, robbery, burglary, homicide and murder.

<sup>1</sup> By R. C. Sheldon. *Bookman*. 53: 242-4. May, 1921.



I wanted to ask those boys some questions about the books they had read and the movies they had seen—the same questions that I have asked a hundred other boys. I now have a sort of composite answer from boys some of whom are unusually bright, others ordinary, some dull, but all of whom have been either truants, runaways, thieves, or liars. I think though that all have been truthful to me—they have no cause to be otherwise.

One said, "It was the movies that got me in here."

I asked, "Do you mean that you stole in order to get money to go to the movies, or that you saw pictures that made you want to steal?"

"I saw pictures that made me think of stealing."

"But didn't the pictures show that the thief always gets caught and punished?"

"Oh, yes, but I thought I was wise and wouldn't get caught. I thought I wouldn't make the mistake he did to get caught."

That youngster was fifteen, of ordinary intelligence, unemotional—he took a chance and lost.

Another boy, between fifteen and sixteen, graduated from grammar school at fourteen, just about the time his father died, "got going with the wrong crowd" and began to rob; stole an automatic pistol which was accidentally discharged, killing a playmate. He said that he had always read a great deal before he went wrong and remembered chiefly the Alger books. He had read each of them three or four times and had got a great deal of good out of them—especially a belief in the poor boy's ability to succeed.

He was considerably less clear as to what, if any, help he had derived from the moving pictures. As he put it: "Didn't get as much out of the movies as out of books—there was something good in the books that wasn't in the movies." None of the books or magazines he had read had suggested crime to him, with the exception of the "Detective Story Magazine." He blames his present trouble on movie scenes of Western holdups.

These boys would imitate, not for money gain, but just for the love of excitement.

As a matter of fact many children are brought into court for really holding up and robbing other children.

I asked this boy what he thought might be done to keep other boys from following in his footsteps. He had been evidently thinking of this also, for he promptly answered, "Don't let them go to the movies so much." He would limit them to one visit a week—depending on the other six days to keep them level-headed.

Would it be possible to limit children to specially deleted programs, and grant admission only to those children who had obtained a good school rating for the week? This method would surely prevent truancy to a degree, and help the teachers.

To go back to the holdups, I talked with another boy, Jim, who was guilty of killing a playmate. It appears that Jim and his pal, Frank, secured a couple of loaded revolvers by some means and started out to "play hold-up." Meeting a third party, Jim ordered hands up and pointed his revolver, not intending to fire. Frank, standing behind Jim, fired his gun into the air and Jim, startled, involuntarily pulled the trigger and shot the playmate "victim" dead.

How I wish that the men who write such scenarios and the men who produce them, could visit the criminals they have made! The fact that the culprit on the screen is caught and punished does not really mend matters. The child goes to see the picture craving excitement. The climax is reached with the holdup or the robbery, after which the child's camera-eye does not register the unexciting scenes of the culprit dully sitting in his prison cell.

After talking with the boys today, we went upstairs to the assembly room to see that most wholesome of actors, Charles Ray, in "Homer Comes Home." You should have seen these "delinquents" applaud Homer for walking miles rather than use for carfare one penny of the hundreds of thousands of dollars he carried—because

it wasn't his own. I tell you, and I tell the producers, that people don't want crime, smut, or drunkenness.

Now, then, what is the underlying truth? What are the movies doing to our children? Are they multiplying the baneful influence of the old yellow-backed "Nick Carter" a thousandfold? Worse than that. Even books of that brand could not carry the words necessary to describe adequately the present movie scenes of hatred, cruelty, debauchery, crime, passion. The words would be unprintable. For the uses of law, science, or history such scenes can be and are described. They are, however, so cloaked in phraseology as to be entirely without meaning to those for whom they are not intended. Unfortunately we cannot so shield the motion pictures from those who will misuse them.

No one that I ever talked with can remember much more than the title of a motion picture seen a year ago. There seems to be no lasting effect—for either good or bad. But books—how well we remember the names, the characters, scenes, and moral of books we read ten, twenty, thirty years ago. What makes the difference? Isn't it that reading forces us to create an image—a concept—which continues to exist in memory? If so, what is happening to the memory training of our children?

When we read, there is time for thought, reasoning and the formation of judgment; but motion pictures progress so swiftly as to permit almost no cerebral action—little more than percept. What is happening to the reasoning power of our children?

The Big Brothers as an organization are combating the bad influence of the movies, first, by formulating lists of books under general heads of camping, scouting, seafaring, man-o'-war, building, the great west, engineering, railroading, inventions, treasure hunting. Then, as the individual Big Brothers learn the particular interests of their proteges, a list of selected books is prepared and the books lent as fast as the demand comes. Even a boy of twelve who thinks he is interested in mechanics is held



by reading the lives of Edison, Stevenson, and Watt. And a budding musical genius likes to know something of the boyhood of Mozart, Sullivan, Beethoven, and Sousa. Every child should have the benefit of certain prescribed courses of reading—for vocabulary, memory training, and reasoning, more than that, he should be compelled to read.

Psychological examinations have shown that certain emotionally unstable persons should be prevented from seeing pictures of crimes. This prevention we are accomplishing with the help of parents and the proprietors of the neighborhood movie houses.

There will be no quarrel with the movies when we all realize that they are not the meat of the feast—not even a meat substitute—but only the dessert. And we want pure materials even in our desserts.

### MOTION PICTURES AND CRIME <sup>1</sup>

One of the surprising things about the wave of crime that is reported to be raging throughout the country is the large number of very young persons found implicated in crimes of all sorts. Much attention has recently been given to the matter in newspaper articles and editorials, and blame is placed rather frequently upon the motion picture. The following article taken from a recent issue of the New York Times will serve as an illustration:

Motion pictures portraying criminals at work have been barred in———. Chief of Police——— announced today that three weeks ago he had given orders to movie censors not to issue any permits for any screen drama that showed a crime committed, even though the end of the picture might show the criminal in a prison cell.

"It will make no difference whether the criminal shown is a hero or a villain," said the chief. "Even the showing of a policeman disguised as a burglar is taboo."

The order became public when three youthful robbers, who were sentenced to the State Reformatory, said their crimes had been inspired by a "crook" moving picture.

Prohibitions and censorships of any sort are distasteful to the American people, except in cases where the

<sup>1</sup> By Dr. A. T. Poffenberger, Columbia University. *Scientific Monthly*. 12: 336-9. April, 1921.



general welfare can be proved to be at stake. Therefore an inquiry into the accusations that have been made against the moving picture seems justified at this time when attention is being centered upon the means of crime prevention. The question is a psychological one, and concerns the effects of motion picture experience upon the mind of a young person. The average adult cannot interpret the reactions of a child in terms of his own reactions, because there are fundamental differences between the two. A knowledge of child psychology is needed to understand what the motion picture means to the child.

As an agent of publicity, with its immense daily audience of young people, it has great possibilities for creating and developing in them a spirit of true Americanism, a respect for law and social order which are recognized as essentials for a democracy. Rightly used, the motion picture is one of the most powerful educational forces of the 20th century. Its possible influence in the Americanization of our foreign population, through a medium which shall be intelligible to all, regardless of race, is scarcely yet realized. But wrongly used and not carefully guarded, it might easily become a training school for anti-Americanism, immorality and disregard for law—a condition in which each individual is a law unto himself. We have therefore, in a sense, to meet an emergency, to begin in time to make of this truly public school the kind of educational force that it should be—to prevent rather than prohibit.

In a consideration of the young, we must not fail to include that great class of unfortunates designated as mentally deficient. They are individuals, who, though physically and chronologically adults, are still children mentally. The problem of the mentally retarded individual is essentially the same as that of the normal person of younger years. The moron, the highest type of the feeble minded, usually defined as an individual whose development has ceased at about the age of eleven years, has most of the mental traits of the child of eleven years. He has, however, the physical strength, instincts and

desires of the adult. The moron is seldom confined in an institution, because his defects are not considered by family and friends as great enough for that. As a result, this type of individual is at large, and must be protected from evil suggestions and from too complex an environment. Such persons, when the higher forms of control which they lack are supplied by guardians or are made unnecessary by simplified living conditions, may well become useful and self-supporting members of society. Without this control, they constitute a real danger, since their physical age, which may be from fifteen years up, places them in a position to act upon evil suggestions more readily than the child.

What then are the mental characteristics of these two groups, children and mentally deficient adults, which mark them off from normal adults?

One respect in which they differ from the adult is in suggestibility; another is the lack of ability to foresee and to weigh the consequences for self and others of different kinds of behavior; another is the lack of capacity and willingness to exercise self-restraint; and still another is an imagination less controlled and checked by realities. All these traits taken together make the child and the mentally deficient person especially susceptible to evil influences. That is why one expects the majority of certain kinds of crimes to be committed by persons of retarded mental development. And recent statistical studies of the relation between crime and mental defect confirm the expectation. One needs only to recall the epidemics of suicide and murder by such means as cyanide of potassium, chloride of mercury, carbolic acid and the like; to notice the likenesses in the technique of burglars at different periods of time; to note the cases of false testimony in courts and false confessions of crime to realize the great suggestibility of such persons and their lack of foresight. Unlike the normal adult, they are unable to resist the suggestions of advertisements, posters, newspapers and magazines, and of their associates. Naturally, these

traits can be played upon for good or for evil. One who knows the mechanism of suggestion would expect the prevalence of crime, especially when it is advertised by these agencies of publicity, to breed more crime.

Motion pictures, containing scenes vividly portraying defiance of law and crime of all degrees, may by an ending which shows the criminal brought to justice and the victory of right, carry a moral to the intelligent adult; but that which impresses the mind of the mentally young and colors their imagination is the excitement and bravado accompanying the criminal act, while the moral goes unheeded. Their minds cannot logically reach the conclusion to which the chain of circumstances will drive the normal adult. A little questioning of such persons who attend moving pictures and read stories will indicate how different are the factors which impress their minds, from those which impress the intelligent adult. The failure to grasp the significance of the story is even more pronounced when it is conveyed only by the posters advertising it. Here it seems to be the rule to portray only the most exciting and glaring portion of the plot with no possibility of right interpretation. A survey of any group of posters advertising motion pictures, with only their direct appeal in mind, will show a surprisingly large portion of them suggesting murder, burglary, violence or crime of some sort. The pistol seems to be one of the commonest of the stage properties of the motion picture advertisement. And a very frequent pose is that of the frenzy of rage and the clinched fist ready to strike a blow. Those young people and even adults who are limited to the advertising posters for their entertainment may get evil and anti-social suggestions from them. Considering the almost unlimited audiences which the advertising posters command, their careful control would seem a greater necessity even than that of the play itself.

It is just on account of this susceptibility to suggestion that the mentally retarded criminal and the child criminal need a special kind of treatment and special courts to



handle their cases. Indeed, much has been done in recent years toward the proper treatment of these two classes of criminals. What needs more emphasis now, however, is prevention, not cure. Proper control of their environment is the one factor which will do much to make these two classes respectable members of society instead of criminals.

There are many sources of evil suggestions which cannot be eliminated, so long as there are immoral and anti-social persons, and to that extent the atmosphere in which children develop and the feeble-minded live, must remain far below the ideal. But that is a good reason why those evils which can be eliminated should be. Such organs of publicity as moving pictures, newspapers, magazines, advertising posters and the like, should not be allowed to contribute to the necessary burden of evil suggestion by the character of their productions. The purely commercial spirit should be tempered by a spirit of social welfare and education.

The matters here discussed have not entirely escaped attention hitherto. For instance, there was introduced, some time ago, into the New York legislature a bill providing for the limitation by newspapers of publicity which may be given to reports of crime. The width and height of headlines for such material was specified. The nature of these provisions does not especially concern us here, but the fact that the matter is receiving attention is interesting.

These are preventive measures applied from the outside. The remedy should come from within. It can be done, and in fact has been done by newspapers. A survey, recently made of a large number of metropolitan newspapers, shows that they differ strikingly in the way they handle reports of crime. In some cases crimes are not featured in big headlines and favored positions, and only facts that the public can profit by are printed. If the motion picture is to become an educational force that it is capable of becoming, the censorship must be an internal



one. The old notion is outworn that it is necessary "to give the people what they want." It is the function of an educational medium and an entertaining medium also, to give the public what they should have, in order that they may learn to want it. The function of education is to create as well as satisfy wants. The future of the motion picture is limited only by the foresight of its leaders.

### REASON FOR REGULATION<sup>1</sup>

The motion picture has come to be recognized by people who are familiar with the industry as one of the greatest agencies for good and evil that exists today. The statistics show that one million people, or one-tenth of the population, see motion pictures each day of the year in the state of New York and about fifteen million in the United States. There is no avenue of communication equal to it. No method is known by which a message can be conveyed to so many people in so short a period of time. The power of the motion picture is understood by but few people. Its appeal is so direct and so easily understood by all people that its influence is incalculable. It attracts the attention of the children and of the illiterate and carries its own interpretation. Justice Hinman referring to motion pictures said, in an opinion sustaining the constitutionality of the act creating the commission:

Its value as an educator for good is only equaled by its danger as an instructor in evil. It requires neither literacy nor interpreter to understand it. Those who witness the spectacle are taken out of bondage to the letter and the spoken word. The author and the speaker are replaced by the actor of the show and of the spectacle. It is a spectacle or show rather than a medium of opinion.

The foreigner, who cannot speak our language, and the illiterate enjoy the picture and receive their impression

<sup>1</sup> Extract from the Annual Report of the New York State Moving Picture Commission for 1922.

from it as readily as those who are well educated. The industry is young and has had a remarkable growth. Today, the motion picture is the principal amusement of the great majority of our people and the sole amusement of millions. It can be made a wonderful force for the education of our people and is today accomplishing great good. Bad pictures, however, are equally productive of evil. The effect upon children became so apparent that a demand for cleaner pictures arose and has spread throughout every civilized country. This demand has resulted in an attempt to regulate the industry in the public interest to the extent, and only to the extent, of suppressing evil pictures. The producers recognized the evil of bad pictures and the spread of what they termed "censorship" and organized, a few months ago, a corporation known as the Motion Picture Producers and Distributors of America, Inc., and placed at the head of the organization a distinguished citizen who has sought the cooperation of the people generally in what he calls "making the screen clean." Just what this organization of producers has accomplished, or will accomplish, can best be judged by the public. The fact is, however, that there are a great many producers and distributors who are not affiliated with the organization referred to and over which it has no jurisdiction. Neither has it jurisdiction over the films made in foreign countries and which, in many instances, are objectionable and should not be exhibited here. So widespread, however, has been the demand that better pictures be exhibited, that censorship has spread in one form or another over the entire civilized world. England, all of Canada, Australia, India and other English provinces are under a strict censorship, also Italy. Germany, Czecho-Slovakia, Poland, Sweden and the Philippine Islands and in our own country, the states of Kansas, Ohio, Virginia, Maryland, Pennsylvania and Florida, as well as our own state, have statutes which regulate the motion picture. The Florida statute, in substance, provides that only films approved by the New

York State Commission or the National Board of Review can be exhibited in the state. Nearly every city of any size within the United States has some form of regulation or censorship. Japan, Russia and other countries have a method of censoring motion pictures.

There is an agitation going on in practically every state in the Union, and a wholesome moral sentiment is demanding the removal from the screen of many of the pictures now produced. It is contended that evil pictures tend to educate children and irresponsible people in the different methods of committing crime and escaping punishment and reveals to the immature and uninitiated in a most flagrant manner, the vices and weaknesses incident to human nature. Statistics show, in many instances, that juvenile criminals are imitating or attempting to commit crimes depicted on the screen.

The most objectionable films are sent abroad for exhibition; in fact films are manufactured by certain producers for foreign use and for use in what are known as the slums of our country. The foreigners, by reason of our films, are given a very false impression of our country and its institutions. The Commission has received many complaints from people in distant countries of the character of the films presented to their people. Poland, through its officials, has stated that it was necessary for them to enact censorship laws for the reason that the American films tended to incite their people to crime. An agitation is being had in Mexico to prevent the exhibition of our films in that country due to the fact that the Mexican is always represented as a bandit and an outlaw.

The foreign films are often made by people who are not familiar with our institutions and are made to suit the tastes and requirements of the people where they are produced. Many of these films are not fit to be shown in our country. Some of the most disgusting and revolting films imaginable, revealing the vices of our people, have been produced for exhibition at private entertainments.



The industry as a whole should not be condemned for these abuses but this does not in any way belie the statement that they exist and that they should be remedied.

Another evil which is becoming apparent upon the screen is the dissemination of propaganda which is inimical to American institutions. It is a well recognized fact of which the Department of Justice of the United States has taken cognizance, that there is a persistent effort upon the part of foreign producers and some producers in our own country, to produce films which teach lessons which are destructive of the fundamentals of our government. These films are encouraged by undesirable foreigners who gain admission to our shores and seek to undermine and revolutionize our form of government through insidious propaganda. The legitimate producers of films do not approve films of this character. Nevertheless, they are without power to prevent their being manufactured and exhibited here, and there is no way by which they can be suppressed except through governmental agencies. Many of the foreign films which are brought to our shores are decidedly un-American and should not be exhibited here.

One of the favorite arguments of those who oppose the regulation of the motion pictures is that by so doing the liberties of the producer and the exhibitor are curtailed. Every person's liberty is curtailed, if you desire to dignify conduct by that term, when his acts tend to corrupt the morals of our people and are inimical to the public welfare. It is only by the regulation of the conduct of the individual that our social status is maintained and civilization advanced. The logic of the opponents' argument would be equivalent to a license to do what they please, regardless of public welfare, all in the name of personal liberty. They also contend that freedom of speech and the freedom of the press are endangered by the spread of censorship. These rights are safe-guarded by both state and Federal constitutional provisions and, at the instance of motion picture interests, in suits instituted



by them, the United States Supreme Court (236 U.S. Reports 241-2), as well as our state courts, have held that the motion picture does not come within these provisions of the Constitution and that the acts are constitutional. These arguments, of course, in the light of the decisions of our courts, have no application to the motion picture.

We are satisfied that the only method by which the industry can escape regulation is by the improvement of their pictures to such an extent that they will not be a menace to the public welfare and then censorship will be unnecessary. That time has not yet come. The enactment of a law in one state or the repeal of the law in another, will not solve the problem. The struggle will go on, for back of it is an irresistible force, the moral sentiment of the entire world.

## ELIMINATIONS MADE IN 1922 BY THE NEW YORK STATE MOTION PICTURE COMMISSION <sup>1</sup>

### STATEMENT OF EXAMINATIONS MADE, ELIMINATIONS AND WORK OF THE COMMISSION FOR THE CURRENT YEAR, 1922

Number of films from which eliminations were made .....	861
Number of films approved without eliminations..	2,516
Number of permits granted without examinations .....	326
Number of licenses issued .....	3,377
Number of features condemned in toto .....	72
Total number of eliminations made .....	3,945

These are classified as follows:

Scenes eliminated .....	2,968
Titles eliminated .....	977
Number of reels examined .....	11,061

<sup>1</sup> Excerpt from 1922 Annual Report.

The following is a statement of the grounds upon which the eliminations were made. In some cases, eliminations were made on more than one ground:

Indecent .....	263
Inhuman .....	289
Tending to incite to crime .....	485
Immoral or tending to corrupt morals .....	235
Sacrilegious .....	26
Obscene .....	2

The films from which eliminations were made may be classified as follows:

Dramas .....	434
Comedies .....	207
Comedy dramas .....	84
Serials .....	69
News .....	36
Educational .....	21
Cartoons .....	4

From the decisions of the commission, fifty-four appeals were taken by applicants, asking for a review by the entire commission.

(Three appeals were made to the courts, but in each case the decisions of the picture commission were upheld.)

## THE CINEMA <sup>1</sup>

When introducing his daughter, Ninetta, to the notice of Nicholas Nickleby, that rhetorical showman, Mr. Vincent Crummles, summed up her peculiar characteristics in terms which might be applied without undue strain to that form of popular entertainment which now threatens to drive his successors from the scene. "This, sir," said Mr. Crummles, "this is the infant phenomenon. . . I'll tell you what, sir, the talent of this child is not to be

<sup>1</sup> By Bertram Clayton. *Quarterly Review*. 234: 177-87. July, 1920.

imagined. She must be seen, sir—seen—to be ever so faintly appreciated.” The picture-play is beyond all question the “infant phenomenon” in the world of showmanship today—a “phenomenon” boasting millions of admirers in every country, and one which, howsoever faintly appreciated by the critical, must certainly be reckoned with in any social survey of the times.

There is no escaping the cinema. Its reach and grasp, its vagaries and pretensions, and what, in the technical sense, at any rate, it may justly call its triumphs and achievements, are manifest on all sides. One can hardly pick up a newspaper in these days without seeing that yet one more “masterpiece” in the realms of fiction or the drama has been, or is about to be filmed. The illustrated magazines and home journals are full of photographs and anecdotes of screen favorites; while the camera has lured nearly every star of the stage within its focus and even got Royalty itself to act for a moving picture. Prospectuses of new producing companies and cinema halls are almost a daily feature of the press. The pictures are being adapted to the service of education in schools, industry in factories, religion in churches, and the pastimes of the private household. The clergy of all denominations preach sermons on them, for and against; “welfare” institutions debate their moral influence, literary institutions their artistic worth, and municipal councillors their intimate connection with the problem of housing the people who flock to see them. Society leaders do not disdain to “walk on” in a picture play that is to be well advertised; and the testimonials of civic dignitaries, men of letters, scientists, and doctors eagerly are sought by film showmen to add to the mass of their less authoritative methods of publicity. This, one may say, is undeniably an “infant phenomenon” among our modern arts of amusement. And in the case of such a versatile and resourceful young lady it is impossible to tell what she will be “up to” next. It must suffice on this occasion to look a little closely into some of the things she is “up



to" now, to analyze her artistic pretensions, and, above all, to examine the basis of her latest claim to be regarded as a serious medium of moral and educational propaganda.

It is a significant fact in connection with the cinema that, while its sponsors have shrieked themselves hoarse in proclaiming the "lofty moral lessons" and "fearless social truth" of this, that, and other five-reel sensation, the "phenomenon" itself has been forced on the attention of outsiders principally through the appearance of its name in the police court, and the frequent association of its influence with youthful depravity. A good deal of this, of course, can be discounted at once. The puritanic opponents of any and every type of theatrical display may always be relied upon to judge—and condemn—a show on the strength of the poster outside. The enmity of the picture-theater manager's rivals, too, whether of the "legitimate" or the "variety" stage, who see a lengthening stream of patrons at the cinema doors, and only a "beggary array of empty benches" in their own houses, may also be allowed for. But it is difficult to suppress at times the suspicion that the atmosphere of suggestiveness, at any rate, alleged by some to cling round the flickering shadows of the screen, would have had to be invented if it did not already exist, if only to impart that fillip of excitement to an art which otherwise it can scarcely be said to possess for the adult mind, once the novelty has died away.

A long and close consideration of the kinds of appeals made by the film manufacturer to his clients, and by the film exhibitor to his, leads one to the conclusion that the trade has not been far behind its critics in calling attention—"obliquely and by inference"—to the salacious character of some of its goods. The cinema is "a great power for good," "a tremendous moral instrument," and, of course, "a strong incentive to patriotism;" one even heard that it was "helping to win the war." But, mingling with all these pious protestations, there is the un-



mistakable undertone of desire in some quarters to be able to "dish" the censor and to get past the watch committees with pictorial versions of "Five Weeks," "Three Nights," or "Ten Minutes," and other shady fiction of that type.

These examples are not introduced to mark any special condemnation of the pictures as such, but merely to give an idea of the unfortunate surroundings in which the "infant phenomenon" has been brought up, and the deplorable line of championship adopted by many of her backers. Mr. Chesterton remarked a little while ago that it was not science he objected to so much as the shadow of science. Similarly, one might say that it is not the pictures which are wrong, so much as the shadow of the showmen on the pictures. An attack was made upon a certain film by a church fraternity in Kent the other day for no other reason than that the posters advertising it were conceived in a style to attract the prurient. If these good people had ventured to inspect the film they would have found it to be as innocuous, and as dull as a Sunday School tract. Wise cinema-goers know better than to suppose that the picture outside has much bearing on the picture within. The young man who is enticed into these places by the voluptuous poses of the lady on the bills is doomed to almost the same kind of disillusionment as awaits him when he purchases from a specious hawker a copy of "The Wide, Wide World" under the impression that he is getting "The Maiden Tribute to Modern Babylon." He might well ask, as the lady did at the tame French play, "*Quand l'adultere commence-t-il?*" The "naked truth" in the prefigurement of the pictures may be represented by a shapely and scantily-clothed siren. But the actual vision, as projected by the operator, is usually somewhat ambiguous as regards the "nakedness," though it may leave small doubt about the "truth." Those who go for "sex" have to be content with a model rather heavily draped in a corner, and a philosophic subtitle obfuscating the situation.

Lately, however, the "infant phenomenon" has been bidding for favor in a more serious role than she has hitherto assumed. Having begun by filming a dozen fat gendarmes chasing a man in his nightshirt ("comic") and the process of manufacturing clay pipes ("educational"), she is now rather ostentatiously donning the mantle of propagandist drama for the main purpose, it would seem, of revealing to our affrighted eyes the ravages of venereal disease. A trio of propaganda pictures has been enjoying all the sweets of advertisement which accompany an ineffectual interdict. One of these was launched with the approval of the Ministry of Health, and so could put its finger boldly to its nose at its own trade censorship. The other two took the original course of appealing to the watch committees and the chief constables over the heads of both Mr. T. P. O'Connor and the showmen pledged to support him.

The "infant phenomenon" has all the luck. And her huge success is no doubt due, in part, to the fact that she has had the foresight to stave off a state censorship by setting up one of her own, to which, when it runs counter to the enterprise of certain sections (as it does over propaganda films), she hasn't the slightest intention of deferring.

What strikes one chiefly about the films in question is the enormous disparity between their avowed moral purpose and the means adopted to achieve it. Granted that it is desirable that the adolescent should receive moral and sexual instruction in regard to sexual matters, it is questionable whether such lessons should be given in a mixed assembly of both sexes. But, even if a case could be made out for that, we cannot conceive of any methods more mischievous and perverse than those employed by the producers and hawkers of these pictures. The stories, with the printed innuendoes which accompany them on the screen, are almost directly subversive of the real warning which ought to be conveyed. For all their highfalutin' asseverations and sordid trafficking in Scriptural

texts, the dominant feeling that one carries away from such films as "The End of the Road," "Damaged Goods," and "Open Your Eyes," is that if one cannot be "good" one should be "careful"—a hygienic counsel of some weight perhaps, but not a lesson that one is disposed to countersign from the strictly moral point of view.

Practically the sole interest in the story of "The End of the Road" is concerned with who has got, and who will get, venereal disease; and who will be cured of it, and who will not. The reasons for condemning sexual promiscuity are founded upon the deepest moral principles, yet these are completely neglected in the film. The appeal to idealism and purity of life is never hinted at. All that is left is a crude appeal to the emotions by as silly a story as it is possible to imagine; the total effect of which on the minds of the susceptible can only be to transform illicit sexuality into speculative adventure which may have no bad consequences (for the man) if treated in the right way.

"Open Your Eyes" sets forth some of the awful consequences of venereal disease in the most revolting manner, and then seeks to tone down the effect of these by a feeble film charade which, for driveling insanity, can never have been beaten since the early days of this invention. We are told at the beginning that it is time the "moralist stood aside and the health officer rolled up his sleeves." If the subject were not so serious the preliminary announcement, in conjunction with the performance, would be laughable. For, truly, the spectacle of the health officer rolling up his sleeves for a film is as ludicrous as that of Mr. Snodgrass rolling up his for a fight. We have seen the moralist "roll up his sleeves" in many a novel and play, but the result has never been so painfully comic as in the story unfolded in "Open Your Eyes."

The initial thesis of this absurdity is that, if parents educated their children in the mysteries and pitfalls of sexual contact, venereal disease would be stamped out.



Two girls are introduced, one of whom is told, and the other is allowed to grow up in ignorance. The mother of the former (a girl of eighteen, by the way) takes her daughter aside and proceeds to inform her—on the recommendation of the family doctor—by what process she came into the world. Will it be believed that the illustration chosen, whereby to initiate the girl into the potentialities of sex, is that of a hen hatching eggs in a basket? With this knowledge the young lady is presumed to have been let into the secrets of her own physical nature, and to be henceforth secure from the temptations of man. The other girl's mother couldn't even think of the hen, and so her daughter came to grief. Now, if there were any point in such a comparison at all, it would surely have been that the "instructed damsel" would at some critical moment in her career, profit by the supposed lessons she had received. But that is not how the health officers go to work when they produce a film story. The villain of the play, who has contracted syphilis (and has failed to treat it in time) ruins the ignorant girl, and then, with full consent of her parents (who, for all their hygienic principles, make not the slightest inquiry into his past), becomes the affianced husband of the other girl. They even get as far as the altar steps, and would assuredly have consummated a second tragedy and knocked the moral of the film all to bits, if the fallen woman had not rushed up in a motor-car in the very nick of time to stop the wedding. It is with such inconsequent piffle as this that young cinema-goers are adjured to open their eyes to one of the gravest of our social evils. The whole teaching of the thing—if teaching it can be called—is that, with a moderate degree of caution, the dangers of syphilis may be overcome. Even the appeal to fear is considerably weakened by the insistence on the efficacy of timely treatment; and the only lesson enforced is not that virtue is more desirable than vice, but that, for the vicious, the services of a



recognized medical practitioner are preferable to those of a quack.

A mechanical rendering of Brieux's play, "Damaged Goods," is another claimant for propaganda honors. This film appeared with the blessing of Father Vaughn, vouchsafed for no other reason, so far as one can see, than that it quotes Scripture at intervals and "features" a few nuns. The story is dreary and commonplace in extreme. The remorseless tragedy imported into it by its original author is supplanted in the film by a tedious transcript on the screen of nearly every word the characters are supposed to be uttering. Whatever moral lesson this picture set out to convey is entirely vitiated by an arbitrary happy ending, which is not Brieux's, but is apparently the only kind of ending the film-producers can think of for this or any other type of drama.

It may be said that these propaganda pictures are only a side issue of the cinema world, and that the main body of the exhibitors regard them with disfavor. If so, good; and one would be glad to see the police equally irreproachable. But what, then, of the more approved parts in which the "infant phenomenon" disports herself? On the more ambitious side of the cinematograph we have the "picturization" of novels and plays. All that can be said of this indiscriminate dishing-up of the products of study and stage in screen form is that some lend themselves well enough to the treatment, and some do not. But hardly anybody in the ranks of the producers seems to care a rap about the suitability of the selected work. All that is asked is: Has it been well boomed beforehand, or has the person—writer, composer, or actor—principally connected with it a popular name? Just in the same haphazard manner in which Mr. Wemmick was wont to exclaim, "Hallo, here's a church! let's get married!" so the Los Angeles and Ward Street people exclaim, "Hallo, here's a big success, let's film it!" Naturally, this policy has had some amazing results, from that of a version of "Adam Bede," giving Hetty Sorrel

a husband and a happy ending to all her woes, to one of "The Admirable Crichton," showing Lady Mary as a Christian slave about to be devoured by a lion!

In the world of the movies, Maurice Maeterlinck and Phillips Oppenheim are equally "eminent." The names of Charles Dickens and Charles Garvice are shouted with equal emphasis and the same superb impartiality from the same megaphone; and, provided the subject has made some previous appeal, the camera man will film you anything from the first chapter of Genesis to the latest comic song. Thousands of "well-known" novels in the states, indeed, would appear to have anticipated their film-setting by only a few days, or even to have been issued simultaneously with the pictures. Many an author has discovered that the book for which he received next to nothing from his publisher has somehow become "famous" at once, directly the latter has disposed of the film rights of it. The vast majority of these adaptations are distorted out of all resemblance to their originals; and even where a photographic resemblance is discernable, nearly all the truth to human nature has been whittled away. When the producer attempts a "psychology" on his own lines—but no; any adequate account of that could only be given in a Humorous History of the Film.

What, then, would seem to be the legitimate role of the "infant phenomenon" in the repertoire of national amusements? She must assuredly be "seen to be ever so faintly appreciated." But there is always the possibility—nay, certainty, as we have shown—that she will be seen too much; that she will step outside her rightful bounds, and, in addition to visualizing everything on the earth and under it, attempt to render on the flat canvas of the picture hall what is only proper to the pulpit, the story-book or the stage. It is useless to expect that she will lightly abandon the exploitation of the most primitive humours and emotions, for these have acclaimed her more than all, and her colossal fortune has been largely built up on them. Maturing immune, for the most part, from

criticism, she has fattened on the adulation of a "kept" press, and reaped if anything an increased harvest of coppers out of the strictures administered by prudes on the prowl. Can we be surprised, therefore, that with such guidance Miss Cinema has hardened into a rather impossible young lady, with vulgar habits, blatant manners, and commonplace thoughts and ideas?

And, yet, with all her tawdriness who can fail to do homage to the taking ways and truly marvellous talent of the "infant phenomenon" when she is on her right lines—as a revealer of the wonders of nature, the inventions of man, and the more dramatically spectacular part of the human panorama? For instance, the cinema was put to admirable use in illustrating the journeys of Captain Scott and Sir Ernest Shackleton in the Antarctic regions, and in introducing to untraveled mortals the most interesting scenes of Lord Allenby's campaign in Palestine. In these revelations, whether we watched the gambols of seals and thrashers, or gazed entranced at the new Crusaders entering Jerusalem, was found what we could get in no other way, for the "movies" alone could give the picture of motion which is essential to a full representation of life and action. But such a limitation of her performances is laughed out of court, we are only too sadly aware, by the cinema magnates who have grown rich by presenting her in the crudest forms of melodrama and horse-play comedy. That there is a limit to the public's absorption of trash is shown, as we have indicated, by the feverish haste exhibited at the present time to secure screen-rights of classics in the world of fiction. What is going to happen when this rather wooden form of mimicry ceases to draw?

The late Mr. Howells speculated some time back on the likelihood of the screen developing, not so much its narrowly educational side (which, as Mr. Shaw has pointed out, is restricted as a rule to showing the birth and growth of a lobster), as its more faery and fantastic elements. He hoped (faintly, it is true) to see the film



"carrying on and beautifying the functions of the pantomime," and holding up to ridicule, maybe, within its strictly defined compass, some of the fads and foibles of society. The film as a caricaturist opens up a new and slightly more encouraging vista—though it is hard to resist the impression that many of the more serious creations of the studio are really intended for caricatures even now. At any rate, it would not be an easy job to caricature them. Some one has said that the chief difference between "dramas" and "comedies" on the screen is that "dramas" do occasionally make you laugh. Their apologists do their best to complete the joke when they solemnly explain the "message" of the film; while the censor, appointed by the trade itself to inscribe the password on these portentous absurdities, constitutes the topmost crown of hilarity. His position has just been rendered more anomalous than ever by the action of propaganda filmists who, knowing that he has no real authority, have not troubled to appeal to it.

All censorships may be bad, but there is vastly more to be said for one that has all the King's horses and men behind it than for one that is maintained only to do the bidding of the business it is supposed to control, and, when it develops a conscience, can be defied at will.

A better thing may one day be made to shine in the rays of this magic lantern than any we have yet seen. But several silly conventional notions will have to be dropped, and one or two inelastic facts thoroughly realized, before it can struggle into light. The first truth to be insisted upon in regard to the aspirations of the cinema is that it cannot, in any sense, be considered as an artistic competitor of the theater; and the next is that it could not survive for a single week as a paying proposition without the artful aid of music. Though it borrows from the drama, and sucks much of its life-blood from the library, the cinema has existed, and could conceivably continue to exist, without these sources of inspiration. But it is unthinkable—certainly unbearable—when unaccom-



panied by the strains of piano, organ, or viol. Whatever drastic changes may come about in the "silent drama," nobody is likely to propose that it should be exhibited in the silent cinema. From the days of the one ill-tuned instrument down to these times, when not a few people go just to shut their eyes and listen to the selections performed by an elaborate orchestra, the pictures have always been attended closely by their handmaid, harmony. When the band strikes, the operator may as well lay down tools along with them, for the eye refuses to be strained for long while the ear is starved. Soulless though they be, the pictures can often be visited, and even enjoyed, if Mendelssohn, Beethoven, Tschaikowsky, and Coleridge Taylor (to name only four of the great cinema favorites) are there to help them out. But, if anybody doubts their complete lifelessness when divorced from their natural mate, music, let him attend the private projection rooms of the makers or renters, and sit out a few thousand feet of film melodrama with no sound but the buzz and clicking of the machine.

It is here perhaps that we have struck the pathway which Miss Cinema, guided by clever hands, may follow in the future to her own advantage, and our own more unreserved approbation. The skilful combination of music and pictures may result in a new and delightful variation of opera, by which the eye, ear, and the intellect may be equally charmed. The Russian Ballet, for instance, would lend itself admirably to such a form of reproduction. But such a revolution in the quality and outlook of the cinema presupposes something very like a revolution in the spirit animating those whom Mr. Maurice Hewlett has styled the cinema "undertakers." And, though there are certainly a few welcome signs of that change of heart here and there, it cannot be denied that, in the main, Miss Cinema is still in thrall to commercial adventurers with no artistic standard above that of the traveling booth, and no desire to advance a single inch until pushed by public indifference or disgust.

In their hands the "infant phenomenon" has perpetrated an immense falsification of human life and its issues, and under the guise of "psychology," "problem," and "propaganda," has added enormously to the mass of sentimental or debasing rubbish which is always at hand to warp the intelligence and judgment of the crowd.

Perhaps, after all, the power of pictures, either to teach or to suggest, is very limited. But the humbug circulated about their "mission" in this direction is certainly unlimited, and on the increase. If it were only frankly recognized that the border-line between the decent and the indecent in this amusement is plainly marked, and that the film-play, like the Restoration play according to Lamb, represents "only a speculative state of things, which has no relation to the world as it is," the cinematograph might begin to work wonders in the realm of imagination as well as in the realm of exploration and invention, where it has lately brought off so many successful *coups*. But let it attempt what it will, the business of photographic, and not psychologic, realism will always remain its rightful job.

### WHY ATTACK BOOKS? <sup>1</sup>

Why is it that the proposed body who are to look out for our literary morals do not go after our plays and movies? I have seen movies that would curl your hair, in spite of the motion picture censorship we are supposed to have. "One Arabian Night" is such a picture. I am not saying that there is anything in it that should be suppressed, but I do say that there are more things there to attract the censor than in the books that have been attacked.

Why attack books? Why books?

The censors cannot really attack the movies because such enormous amounts of money are back of them. They cannot attack the biggest publishers. They know

<sup>1</sup> By Theodore Dreiser. *Independent*, 110:191. March 17, 1923.

if they attack a wealthy corporation they will have eighteen detectives and seventy-five lawyers on their trail. I know an instance where such an attack was attempted and this was exactly what happened. The attack was immediately stopped. The would-be censor was afraid.

### CENSORSHIP OF THE MOVIES <sup>1</sup>

Motion pictures are visited daily by ten million people in the United States and one million two hundred and fifty thousand in the state of New York. These are the figures quoted by authorities in the industry and explain the widespread interest in the movies as a part of American daily life. This industry with \$1,250,000,000 invested is now regarded as the fifth largest in the country. Its phenomenal growth has taken place within the past ten years, beginning with the introduction of the five-reel picture. Because of technical improvements made in the various departments of the business, the movies appeal to all classes and all ages and their novelty contributes largely to their rapid and wonderful success. It has become apparent to students of psychology and to thoughtful men and women of affairs that this remarkable form of entertainment carries with it a grave menace to the welfare of many of its patrons as well as to the interests of the state.

Within a short period after the introduction of the five-reeler, movements organized by leading men and women of various communities succeeded in bringing about some official examination of pictures before their presentation to the public. Pennsylvania, Ohio, Kansas, and Maryland followed many municipalities in enacting legislation providing for legal regulation of the movies. Notwithstanding bitter opposition on the part of the industry, an opposition that did not hesitate to spend vast sums of money to combat this regulatory movement, large numbers of additional communities throughout the country provided for supervision, and in 1921 New York state,

<sup>1</sup> By Joseph Levenson. *Forum*. 69: 1404-14. April, 1923.



the most important center of the industry for motion picture exhibition purposes, after several years of agitation enacted regulatory legislation, and in 1922 Virginia and Florida followed suit.

An amusing sidelight on the movement for this legislation is the use of the term "censorship" by the motion picture industry, as well as by the newspapers. The word has been deliberately chosen by the opponents of this legislation for the purpose of making it unpopular with Americans, particularly with those of foreign birth, to whom the term "censorship" brings back pictures of gendarmes, soldiers and police, prying into their private affairs. The fact is that legislation in most cases is regulatory and this is particularly true of New York where the standards are established by law and not by the Station Motion Picture Commission. Members of the commission do nothing else but guide themselves by the statute when reviewing pictures.

Notwithstanding bitter legal attacks carried on by the industry with the help of some of America's leading lawyers, testing the constitutionality of regulatory laws, the courts have sustained practically all legislation—some of the contests being carried to the Supreme Court of the United States. A few months ago an effort was made to test the constitutionality of the New York law permitting the examination of new reels, the industry maintaining that new reels were a form of publication and that the constitutional guarantee of free press permitted exhibition of such new reels without examination by the state. The question was argued before the Appellate Division of the Third Department of the state of New York, and Judge Harold J. Hinman in an opinion unanimously concurred in by his four colleagues, held that the motion picture

is a spectacle or show rather than a medium of opinion and the latter quality is a mere incident to the former quality. It creates and purveys a mental atmosphere which is absorbed by the viewer without conscious mental effort. It requires neither literacy nor interpreter to understand it. Those who witness the spectacle are taken out of bondage to the letter and the



spoken word. The author and the speaker are replaced by the actor of the show and of the spectacle. . . . Our public libraries are filled with books which without the necessary literacy stand uninterpreted and equally dead in the field of thought as an organ of opinion. The newspaper offers no particular attraction to the child and much that is contained in it that might be harmful to the child is not understood by it for lack of literacy or imagination. But the moving picture attracts the attention so lacking with books or even with newspapers, particularly so far as children and the illiterate are concerned, and carries its own interpretation.

With this opinion borne in mind, it can be easily understood that the motion picture unlike the spoken play, the printed book or newspaper, requires state supervision and control.

To appreciate the need of movie legislation, it is important to bear in mind the classes that make up the great majority of the attendance at motion picture theaters. A study of these classes discloses that the movies attract in large numbers those who lack the means of deriving pleasure from a good play or good reading matter and who are unable to concentrate their minds for any length of time on matters requiring much thought. This accounts for the popularity of the picture with children who form a very important and numerically large part of the audiences of most moving picture theaters.

Professor Samuel B. Heckman, a distinguished psychologist of the faculty of the College of the City of New York, has this to say as to the influence of the picture on the mind of the child:

One of the characteristics which mark the difference between children and adults is in their reaction; is that the imagination is less modified, is less controlled in relation to realities. That is, the experiences of children are frequently enlarged or magnified sometimes out of proportion to the thing that really happened. . . .

Another characteristic difference is that lack of control. Another, and probably the most important of the differences between childhood and grown-up life, is that inability, particularly as it refers to the screen picture, to see a story through to the end. The child is impressed by the single picture, the single scene and the activities it portrays and fails, nearly always, to evaluate those pictures and those scenes to the story as a whole. That is an influence which bears upon their lives.

A film story which may contain some picture of lawlessness or murder, may be accepted by the intelligent adult as a justifiable moral picture, because in the end justice prevails, and the criminal, if he is one, is punished. But what impressed the child during that picture was the bravado, the kind of activity which the individual engaged in while performing that particular act, and that is what influences his life; he doesn't carry it through to the end to get the justification of the act in its whole setting.

According to the census of 1920, the number of children in the United States ranging from five to fourteen years inclusive, was twenty-two million nine hundred and thirty-nine thousand and the number ranging in age from fifteen to twenty inclusive, was eleven million two hundred and twelve thousand. The figures for New York state show that the number ranging in age from five to twenty years was three million one hundred and twenty-six thousand. Practically all of these children go to the movies, some with parental consent and some without, and the influence of the picture on the minds of these children is the answer to the opponents of legal supervision of pictures.

In addition to children, the audiences at motion picture theaters consist of large numbers of illiterates who cannot read or write a syllable of any language, the ignorant who can barely read and write and the mental defectives of all degrees, who, according to scientific opinion, constitute fully 10 per cent of the population of the country.

While a great deal has been written about the value of the mental tests applied by the government during the late World War, there can be no doubt that such tests have established beyond question that America has an enormous proportion of unintelligent adults. Professor Henry Herbert Goddard, in his book, "Human Efficiency and Levels of Intelligence," states that a study of these government tests shows that about 45 per cent of the one million seven hundred thousand soldiers to whom the tests were applied, were below normal intelligence. Even if these figures are inaccurate and the tests unsatisfac-

tory, we cannot get away from the fact that our sub-normal population is so large that with possession of suffrage, they constitute a grave menace to our country.

An interesting indication of the number of unintelligent and disinterested electors is clear from a study of the figures of the vote cast on several amendments submitted to the people of the state of New York in 1921 and in 1922. In the former year on an amendment submitted in accordance with constitutional provision, asking for authority to sell old Erie Canal lands and which had no negative, there were five hundred and fifty-three thousand people who voted "No" while one million one hundred and twenty-four thousand electors voted blank, indicated that they did not understand or were not interested, the affirmative receiving only seven hundred and eighty-one thousand votes. The total vote cast for Judge of Court of Appeals at the same election was two million six hundred and thirty-four thousand. This was again illustrated in 1922 when there was a total vote cast in New York for Governor of two million five hundred and eighty-nine thousand while on an amendment to the constitution, which simply provided for some technical change in the method of returning city bills to the legislature and which also had no negative, there were five hundred and fifty-five thousand people who voted "No," almost one million voted blank, and two hundred and twenty thousand who voted for the Governor failed to vote at all, with the affirmative receiving eight hundred and twenty thousand votes. These figures show what a small proportion voted with an intelligent knowledge of the question submitted to them.

Our system of government depends on an intelligent electorate. If we are to permit the illiterate and unintelligent to become the majority and sway our elections, our form of government is doomed. It was fear of this that brought about the establishment of our public school system upon which billions have been spent. Nowhere is a teacher permitted to have charge of the mental and



moral welfare of children unless such teacher qualifies by passing rigorous tests. The motion picture is conceded to be far more influential as an educational factor than is the teacher, yet it is contended that this great force for education should be permitted to do its work without any supervision provided by law.

The movement for the control of the movies which has developed within the past few years has spread over the world. England, India, Australia, Czecho-Slovakia, Sweden, Italy, Honduras, the Philippine Islands, Germany, Poland, the provinces of Canada and the cities of Japan have instituted various forms of regulatory legislation or "censorship" as the motion picture industry would term it. Nowhere has such legislation been repealed, once enacted.

It is because statesmen, psychologists and teachers are realizing the indescribable power of the motion picture in molding thought, particularly with the classes already referred to, that motion picture regulation is now regarded as an absolutely necessary part of the government of civilized countries.

The opponents of this legislation have bitterly attacked all forms of regulation. One of the unfortunate features of their opposition in this country is their determination to use the power of the screen as a political factor. They have not hesitated to threaten punishment to all who may oppose them, while promising aid to those regarded as their friends. To strengthen themselves, they have recently engaged the services of a distinguished gentleman who retired from the President's Cabinet, paying him an enormous salary, so that he may help counteract the strong demand for regulatory legislation. Until his employment, the spokesmen against so-called censorship came from the industry but now, in order to hide the opposition behind a cloak of respectability, prominent ministers, newspaper men and members of authors' guilds are frequently employed to use their powers of persuasion to defeat all forms of legal supervision.



In the recent referendum in Massachusetts on the question of censorship, large amounts of money were spent by the industry under the leadership of its new national director, to influence the electorate to vote against the proposed regulatory legislation. The industry boasts of the very large case against censorship at the referendum but fails to mention the vast organization it effected and the large amount of money spent by it. The fact is that the advocates of censorship had no money, no newspaper support and were unorganized, and yet secured two hundred and ten thousand votes, nearly 30 per cent of the total vote cast on the question.

A favorite argument advanced against regulation, particularly during the Massachusetts campaign, has been that a board of three people is clothed with full power to decide what people should see in the movies. To those who know about our form of government, this argument seems ridiculous. We delegate all our powers to representatives authorized to do the work entrusted to them, subject to proper court review. In the matter of motion picture regulation, the right to appeal to courts has not been taken away from the people interested. In New York the law provided that "unless a film or a part thereof is obscene, indecent, immoral, inhuman, sacrilegious or is of such a character that its exhibition would tend to corrupt morals or incite to crime the commission shall issue a license therefor." All advertising posters used for display purposes are also under the same provision of the law and New York is now spared the vile and disgusting forms of motion picture poster advertising which have graced the fronts of so many theaters of residential sections. The three commissioners are simply permitted to define and interpret the statute and their action is subject to review by the courts.

It is interesting to note that in New York state out of four thousand six hundred and ninety eliminations made and seventy-nine pictures condemned in their entirety from August 1, 1921, to December 31, 1922, there have

been but three appeals to the courts to date, and in every case the commission has been unanimously sustained, such appeals being decided by the Appellate Division consisting of from five to seven judges.

With much glee, the opponents of "censorship" point to what they term errors of judgment on the part of so-called "censors." Admitting that errors are made, what of it? No one has claimed infallibility for any human being serving as a public official and motion picture commissioners are no exception. Considering the millions of feet of films examined, it must be frankly admitted that examiners are apt at times to commit errors, but if in New York state but three appeals have been made to the courts, it seems to indicate that the industry has had but very little genuine ground for complaint.

An argument advanced whenever control has been suggested, and used with great effect during the Massachusetts campaign, is that censorship increases the cost of admission to the movies. This is laughable to those bearing in mind the fabulous salaries paid to movie stars and the salary of \$150,000 to a main director who is surrounded by a large staff of high-salaried assistants, occupying palatial Fifth Avenue offices.

The Motion Picture Commission of the State of New York for the year of 1922 had a total income of \$154,000. As the attendance at motion picture theaters averages at least one million persons per day, the cost of censorship per single admission, paid by the producers, amounted to less than one-twentieth of one cent. The state made a profit of \$72,000 on the work of the commission for the year of 1922.

The ancient cry of interference with personal liberty is frequently used by the movie interests. Of course, motion picture regulation, like other laws, interferes with somebody's personal liberty. The director and the producer who prepare a picture showing obscenity and filth and whose work is eliminated, are justified in shouting about the loss of their personal liberty. So is every

individual justified who has been brought before the bar of justice because of a violation of law.

In the Massachusetts campaign, the motion picture people cleverly stated that their opposition was to state censorship and not to Federal censorship, an argument which, no doubt, influenced quite a large proportion of the electorate. They knew very well that Federal censorship is something that may come in the dim and distant future. Even if enacted, it might have effect, as did the Federal legislation barring prize fight pictures which have been shown in various states notwithstanding the legislation, by the mere pleading of guilty and the payment of a nominal sum as a fine. .

A distinguished Protestant clergyman of Brooklyn, successor to one of America's most famous pulpit orators, in trying to prove how odious is "censorship" of the "movies" has referred to the censorship of Czaristic Russia. He evidently did not know that very recently the Republic of Poland, although under socialist control, and but a few years free from centuries of despotism under the Czars, has enacted motion picture censorship and the reason advanced is that practically all the pictures shown in Poland are American made and are destructive of the moral standards of its people because of indecent, sacrilegious and crime-inciting matter they contain. Reports recently received state that Soviet Russia has provided for motion picture censorship.

A distinguished authoress whose contributions to the leading American periodicals have attracted favorable attention and some of which have been screened, has been speaking in opposition to motion picture regulation. Yet, in the state of New York, it was necessary to eliminate from one of the recent picture successes, based on a story of hers, scenes of disgusting sexual degeneracy injected into the picture by a noted director as his conception of the debauchery and degradation of Ancient Rome. It is only fair to say that the scenes were born of the director's imagination and did not appear in the story.



In New York, the chief value of the law has been that it has served in the main as a preventative. The directors and motion picture people have been unwilling to invest large sums of money in productions which they feared might meet with rejection.

Another valuable result of the law has been the constructive work done by the commission. Very many pictures or scenes condemned aroused heart-breaking wailing from the interested parties because of the financial losses and "the throttling of genius and the restriction of art." After the changes were made, the commission learned that those interested frankly admitted that the picture had a more salable value and were far better in an artistic way.

The New York commission has been eliminating all obnoxious references to various religious and racial groups, a policy that has met with universal approval. Pictures have been presented particularly objectionable to religious groups. One case portraying a nun's violation of her holy vows, although not strictly sacriligious was changed by the owner at the suggestion of the commission, a course which delighted Catholic church dignitaries. In some cases, complaints reached the commission from the Anti-defamation League, a subsidiary organization of a large Jewish fraternal order, about pictures that were particularly obnoxious to many Jews. It may interest some people to know that such Jewish pictures were made by Jewish motion picture concerns. Complaint too has been made about productions portraying Protestant ministers in an improper light. The commission has interested itself to improve such pictures to meet objections.

Legal regulation of the screen may have its shortcomings but based on the experience of the last decade, it must be apparent to the unbiased that resort to law to eliminate indecent theatrical performances has had unsatisfactory results. The experience in New York city



during the past two seasons shows clearly that the legal technicalities involved make it almost impossible to prevent salacious performances until long after the damage to the community has been accomplished. It is clear too that the contention of the motion picture interests that the law gives ample power to eliminate that which is immoral or obscene and that the public should be censors is one based on an expectation that if the present motion picture law be repealed, they will be free of the only restrictions that can make them bow to the moral sentiment of the community.

The motion picture industry, aided by interests that are financially affected, stands practically alone in its opposition to motion picture regulation. No doubt there is some honest opposition on the part of well-meaning men and women who fear that so-called "censorship" is at variance with the American conception of freedom. Experience, however, is the best answer to such honest opposition. The same issues were involved in the agitation that went on for years in reference to the liquor question in America. Public would never have accepted prohibition if it had not been for the great army of saloon keepers who, blind to American moral sentiment, deliberately violated laws, using their power for political purposes, and who did not hesitate on pay days to send their customers home to their families without a penny in their pockets. It was this wanton violation of all that was decent that resulted in prohibition and not the desire to make men stop drinking alcoholic beverages. The motion picture industry should learn a lesson from the experience of America with saloons. Should the men who control the screen succeed in thwarting the moral sentiment of the community, they will find themselves in opposition to millions of parents and others interested in child welfare and the development of a healthy, moral and religious sentiment in the state. If the producers can again have untrammelled power to show the vicious, lewd and

sacrilegious without restraint, they will find that instead of having benefitted by the repeal of legislation, they will have paved the way for wholesale boycott of their productions by the best elements of every community.

## WORD OR TWO FROM THE CENSOR <sup>1</sup>

### HOUSTON, TEXAS

It—censorship—is here considered of vital necessity. By city ordinance I have succeeded in rejecting in their entirety all pictures and stock plays which are built upon immoral themes.

Ninety-five percent of all illicit love sequences and unwarranted infidelity on the part of married people are eliminated.

Sensuality and looseness of conduct are eliminated.

Brutality scenes and crimes, when constructive, showing the actual technic of operation are eliminated.

Scenes in which the placing of explosives for the purpose of working destruction to humanity and property are eliminated.

Unrestrained mob violence scenes are modified or eliminated entirely.

Actual hangings and holdup scenes are eliminated.

All disregard or disrespect for law—by sub-title or scene—are eliminated.

Racial encouragement or racial prejudice are eliminated.

The word God, wherever used without reverence or improperly, is eliminated.

Any offensive reference to church or religious denominations is eliminated.

Over and over again all the above have been removed from time to time, from the screen and from the spoken stage in our city by the local censorship board. I have

<sup>1</sup> By Mrs. Thomas H. Eggert, Secretary, Houston, Texas, Censor Board.

twenty-eight picture show houses, three "vode" houses and three stock houses under my supervision and from shows in all the above-stated offenses can be eliminated almost any time upon initial showing.

Censorship in our city is a proven safeguard for the amusement loving people against the commercialized amusement interests.

#### VIRGINIA <sup>1</sup>

We have found it necessary on an average to cut or delete eleven out of every one hundred pictures. Some of these deletions were trivial, but others necessitated the removal of scenes and sub-titles that were most objectionable.

Although we are conservative in our attitude toward films, we have come to believe that censorship is a necessary thing.

#### CHICAGO <sup>2</sup>

I not only believe but I know that not all moving pictures produced should be shown to children because there are some great moral lessons often depicted through sex hygiene pictures dealing with the social evil and social diseases. Necessarily the display of such films should be restricted. Then, too, there are numerous so-called comedies which are often not only extremely vulgar but obscene, and often are so changed by means of careful eliminations as to be absolutely harmless. After studying conditions for the past five or six years and reviewing on the average of twenty-five to thirty thousand feet of film eight hours each day, I am convinced that the necessity for censorship of moving pictures is something not to be discounted.

<sup>1</sup> By Evan R. Chesterman, Chairman, Virginia State Board of Censors.

<sup>2</sup> By Amy Louise Adams, Chairman of Chicago Moving Picture Censorship Committee.



NEW YORK STATE <sup>1</sup>

In the first place, it is conceded by the best producers, and particularly by Mr. Will H. Hays and his organization that many of the pictures have exercised a very unwholesome influence particularly upon children and people of inferior intellectual capacity. They plead guilty to the charge made by the public and claim that it is due to the fact that the industry is young and people have gone into the business who have little regard for the character of the film and are only interested in the returns which they may receive from its exhibition. The feeling is widespread that many of the films teach methods of crime, showing all the details concerning it, contain immoral and salacious suggestions and matter and, as a whole, tend to corrupt morals.

Statistics show that practically one-tenth of the population of the United States see motion pictures daily. There is no agency that exercises such wide influence and affects the lives of so many people as the motion picture. Owing to the character of the pictures and the extent of the influence which they exercise, a very widespread demand for improvement of the same has arisen. Several states have adopted laws to regulate the industry and improve the character of the pictures. Our commission went into existence on August 1st, 1921 and there has been a decided improvement in the pictures presented for license. Of course, Mr. Hays contends that this improvement has resulted through the efforts of the motion picture people themselves to clean up the screen as he expresses it. We know that the improvement is due to the fact that a commission exists which eliminates objectionable pictures, and the producers know that they will suffer large losses if they present to us unwholesome pictures. Of course, they do in some instances and we order eliminations. It is not necessary to condemn in their entirety

<sup>1</sup> By George H. Cobb, Chairman, New York State Motion Picture Commission.



many of the pictures, but we do make quite extensive eliminations.

## STATE CENSORSHIP OF MOTION PICTURES<sup>1</sup>

The New York State Conference of Mayors and Other City Officials at their meeting in the fall of 1919 adopted a resolution authorizing the appointment of an official committee to investigate all phases of the regulation of motion pictures and report at a subsequent meeting of the organization.

Pursuant to this action a committee was appointed by Mayor Stone of Syracuse. This committee held three sessions—one in New York and two at Albany. Four sub-committees were appointed—namely, on local regulation, existing laws, on the National Board of Review and on state censorship.

On February 24, 1920, a complete report of the committee was presented by its chairman, Mayor Palmer Canfield, of Kingston. Copies of the report may be obtained from Mr. William P. Capes, secretary of the New York State Conference of Mayors and Other City Officials, Albany, N.Y.

The report contains the following statement:

## STATE CENSORSHIP OF MOTION PICTURES

The sub-committee to investigate state censorship made a comprehensive and very able report. The committee gave substantial reasons for their conclusions as follows:

Legalized censorship of the film is a dangerous departure in a free country. It is no less dangerous than a censorship of the press or the stage, for it places a ban upon ideas. The indecent, improper and immoral film can be eradicated by the same methods as are used against indecent, improper and immoral books or plays. It may make the passing of films a matter of political influence and result in consequent abuses of

<sup>1</sup> Reprinted and distributed by the National Board of Review of Motion Pictures, New York.

power. It does not reflect public opinion, but merely the personal views of the censors themselves. The experiment which has been tried in other states does not warrant New York making such a radical departure from the principles upon which our government is founded. Nor does there appear to be the necessity for that departure. Great as has been the improvement of the film in recent years, it would be greater and more rapid were the menace of censorship eliminated and the art allowed to develop along its natural lines, governed by common sense and the good taste of the American people.

The full report on state censorship considers exhaustively, as follows the principles involved:

#### REPORT OF SUB-COMMITTEE ON STATE CENSORSHIP

To the Special Committee of the State Conference  
of Mayors and Other City Officials on the Regula-  
tion of Motion Pictures:

Your sub-committee, appointed to inquire into and report upon state censorship of motion picture films, desires to submit the following report:—

It is unalterably opposed to any form of state censorship of films for the following reasons:—

#### THE BASIC PRINCIPLE OF CENSORSHIP IS UN-AMERICAN

Free thought and its free expression in speech or through the medium of the press, the pulpit, the forum, the stage and the screen is a right guaranteed to every American citizen by the Federal Constitution. Our fathers fled the Old World to gain freedom for the expression of their religious and political beliefs. Free speech, a free press and a free stage have become, and must ever remain, an inviolable part of the American ideal.

So firmly is that principle grounded in our national life that not only the Federal Constitution, but also every state Constitution guarantees it, and every citizen is

granted the right of free expression in speech or in print, being held responsible only for the abuse of that right. The screen has attained a dignity akin to that of the stage and to the printed page. It should be entitled to the same privileges and liable to the same penalties. If it sins it should be punished in the same way as the stage or the press is punished and to neither a greater nor a lesser extent.

Film censorship inflicts punishment before the sin is committed, and it is a blow at civil liberty quite as deadly as censorship of the press, for the film is not only a medium of entertainment, but also a news and educational medium quite as universal as the magazine or the newspaper. Should America surrender her free theater, which means a free screen, she might as well give up her free press, her free speech and her freedom of assemblage. The one might well lead to the other. Legislation tending toward any such restriction is thoroughly pernicious and in the end will destroy personal responsibility, distort the public mind and hamper its development and stunt the vital growth of education.

Censorship of speech, of press, pulpit or stage has ever been the distinguishing mark of despotism. Freedom in the expression of thought is the cornerstone of democracy.

### CENSORSHIP IS A BACKWARD STEP IN THE PROGRESS OF CIVILIZATION

The greatness of any country is measured by the greatness of its art and its literature. To quote the Earl of Lytton, "The social civilization of a people is always and infallibly indicated by the intellectual character of its popular amusements."

To restrict the free development and expression of the newest of arts through censorship is a step backward toward the dark ages. Censorship burned the Bible; for



a whole generation censorship kept from the French people all knowledge of Newton's discovery of terrestrial magnetism. Leonardo da Vinci's "Mona Lisa" was pronounced by a professor of the University of London to be "one of the most actively evil pictures ever painted." When Guttenberg invented the printing press prototypes of the present proponents of censorship succeeded in suppressing the printed word for many years. The motion picture is a process of recording thought without the use of printer's ink and is perhaps as great an advance over printing as Guttenberg's invention was over the quill pen. A censorship of the one is no less dangerous than a censorship of the other.

#### CENSORSHIP IS FUNDAMENTALLY WRONG

It has been aptly said that motion picture censorship is the latest device for making us moral by act of legislation and is a futile effort to correct nature, which gave us five senses and but one conscience. Certainly it is an assumption by political authority, not of the regulation of conduct, but of the regulation of thought.

Is it right or politic to select any three, any ten or any hundred men and women, however pure, however wise, however blessed with genius, and endow them with the power to set the moral standards of twelve million people? If so, would that standard be the same today as tomorrow? Would it be the same in one locality as another? It would not, should not, be the same, for that which may be injurious to the public good in one locality or at one time may be harmless in another place or at another day. Will the legislature of the state of New York in its wisdom define what is objectionable, what is contrary to the public weal, in a film? We know that it will not. Why, then, should that definition be left to others? Why should another body of citizens, of no greater intelligence or aesthetic perception, be given the power to enforce its opinions upon the rest of the people?

We possess the right to select our religious, our political beliefs, our newspapers, books, operas and plays, but a film censorship law would take from us the right to select our motion pictures and permit us to see only those which appealed to the censors.

Few impulses equal the passion to impose our own views upon our neighbors, to regulate their morals in conformity with our own. Censorship results from the determination of the few to impose their views upon the many. While it is true that liberty of any sort, even freedom of speech, is liable to abuse, there are safeguards against this, and he who is guilty of such abuse must be held responsible. It is quite another matter to try to prevent the possibility of such abuse beforehand by surrendering both freedom and responsibility to a legalized board, however constituted.

#### CENSORSHIP WILL EVER REMAIN UNSATISFACTORY

Censorship is bound to be unsatisfactory until that time when all people observe life through the same glasses. One man is shocked at what another considers beautiful. What was indecent yesterday may be decent today or vice versa. Immorality, indecency, are general terms; they cannot be defined with mathematical certainty. They vary with environment. They may be matters of latitude and longitude. Pictures of bathing girls excite no comment at seaside resorts; they may not be viewed with the same indifference in the prairie states. The Eskimo woman warms the half frozen feet of her husband upon her naked body in a manner to shock her white sister, and what is wifely devotion in Etah is gross indecency in Utah.

State censorship is bound to be unsatisfactory also for the reason that there can be no exact limitations to its scope. There can be no point beyond which it may not be carried, nor can there be a uniformity of standards among the states permitting it.

Given a censorship of films in forty-five states of the Union and we would have the amazing and impossible situation of forty-five different kinds of morality. That which is decent and moral in New York city might be indecent and immoral in Hoboken; that which is contrary to the public good in Kansas City, Missouri, might well be in complete accord with the civil welfare of Kansas City, Kansas, depending wholly upon the rulings of local boards. Could any art, any industry, live under such conditions? Inhibitions, restrictions, conflicts of such a nature would have murdered literature or painting or the drama generations ago. Can an art as new as the motion picture live under them?

A proposal of state censorship implies that the moot question of what is decent and what is indecent shall be left, not to public opinion, but to the judgment of a commission of three or five or some other number of political appointees. Will there be anything sacrosanct about such a board of censors? No. They can be no more than a body of non-expert guardians of public morals; a sore and a needless irritation to the public.

#### CENSORSHIP IS MORE THAN APT TO BE SWAYED BY POLITICS

The motion picture reaches more people and influences more profoundly their thoughts and ideals than perhaps any other agency. It is a potent educational force and one of the most efficient mediums for the expression of thought. To pass over its control to a politically appointed board is a step fraught with danger. Such boards are bound to respond to that force which gave them being.

It is claimed that political influence engendered by a considerable negro vote in southern Ohio, prevented the showing of "The Birth of a Nation" in that state. In Pennsylvania, where the negro vote is not a factor on



election day, the censors passed the picture. In Ohio and Pennsylvania the censorship boards eliminated from the news films all pictures of the recent coal strike. Labor leaders feel that this was a blow at them and that it was struck by the mine owners, who were able to exert the political influence necessary to bring about the elimination of the pictures.

Charles E. Hughes, in 1916, denounced the censorship of films as un-American and intolerable. His words were printed in the newspapers of Kansas: nevertheless, the censors of that state forbade the quotation to be shown on the screen, thus proving that mere vanity may sway the judgment of super-moralists. The police censors of Chicago eliminated the picture of a policeman borrowing peanuts from a stand, alleging as reason that it tended to lessen public respect for the guardians of the law. At the same time, as a later exposure revealed, wholesale grafting by the police was under way.

#### CENSORSHIP WOULD RETARD THE DEVELOPMENT OF THE MOTION PICTURE

The motion picture is a new art, and it should enjoy the same freedom of expression as the other arts. What would our literature, our sculpture, our painting be to-day if every book before publication had been submitted to a censor with absolute powers of approval, rejection and elimination? Or if only such statues and canvases were permitted to live in our galleries as had pleased a politically appointed board from the rural districts? What kind of a sermon would even our most gifted divines prepare if they realized that it was to be read and censored by a non-religious board with absolute power of rejection or modification before it could be delivered from the pulpit? Censorship is fatal to the growth and development of any art.

Even the teaching of history by the medium of the screen could well come under the ban of a board of cen-

sors, for there is no vital period in history that may not arouse the prejudice of someone today. Then, too, history is immoral if measured by the rulings of censorship, for is it not replete with crimes of violence, with instances of vulgarity, indecency and sin? "Joan, the Woman," a great historical film, reverently treated, has never passed the Canadian censors.

#### CENSORSHIP OF THE FILM IS CLASS LEGISLATION

Censorship invades one field of artistic expression and leaves the others free. Many a story has been widely published in magazines, in newspapers, in book form, then has been dramatized for the stage. By what right may the motion picture producer be penalized for attempting to translate it to the screen? Is not the expression of thought by the medium of the film entitled to the same protection under the law as its expression in print or upon the stage?

Lazy thinkers are prone to attribute all evils to the motion picture. Years ago it was the dime novel which destroyed morality and taught our young idea how to shoot. Later cigarette smoking was reputed to be rapidly destroying our young manhood. Only a few years ago there was a demand for a censorship of the colored supplements of the Sunday papers. Wisconsin once considered placing a tape measure in the hands of an official who was to see that "no actress or other female person shall appear on the stage unless properly covered by skirts which shall extend at least four inches below the knees."

The record of our boys in the Argonne, at St. Mihiel and before the Hindenburg Line should have proven this much at least, that neither the uncensored film, the penny dreadful, the baneful cigarette, the irreverent funny sheet nor the short skirt has entirely wrecked their manhood and reduced them to moral and physical weaklings.

### CENSORSHIP CANNOT USURP THE FUNCTIONS OR EXERCISE THE DUTIES OF MOTHERHOOD

The great argument used by the advocates of censorship is that we must protect the child, and to accomplish that desirable end it is proposed to reduce the intellectual standards of a great and potential art to the level of puerility. It is quite as impossible to bring the motion picture down to the level of the child as to bring literature, painting, sculpture and the drama down to a ten-year-old level.

Before a mother allows her child to read a book she may first ascertain if it is a proper book for the child to read. Before she takes him to a dramatic performance she may assure herself that it is a proper play for him to attend. Not all books or plays are suitable for the infant mind; nevertheless we could not tolerate the repression or destruction of all that appeals to maturity. Rather than chop the motion picture down to the dimensions of the nursery and the kindergarten let us point out the duty of the mother to ascertain the nature of the film entertainment her child attends and turn our thoughts to some other method than censorship.

### THE PUBLIC IS THE BEST CENSOR

The only censorship tolerable in a free and enlightened country, whether of the press, the pulpit, the platform, the stage or the film, is the censorship of the people. That censorship, as exercised by the ten million people who daily attend our motion picture theaters, has proven sane and efficient. Pictures have shown a marked and steady improvement in tone and character during the most critical period of their growth, and that improvement seems bound to continue, since the great majority of producers are opposed to suggestiveness, obscenity and salaciousness in any form. By the very nature of the business of



motion pictures meretriciousness and indecency defeat themselves.

The penal codes of our cities and states are sufficiently broad, if invoked and enforced, amply to protect the citizens, young or old, against anything on the screen which in the opinion of properly constituted authorities is debasing or unclean. Not until the administration of the criminal law has failed and our courts have proven themselves incapable of coping with infractions thereof should censorship be seriously considered.

#### THE APPLICATION OF CENSORSHIP RESULTS IN ABSURDITIES

A study of censorship eliminations shows the absurdities of the system. "Carmen" was rejected in three states for three different reasons. Apropos of this, Channing Pollock in an article on censorship wrote as follows:

Considering that it is forty years since first she mouthed her mad love to the music of Bizet, Carmen might have expected the deference due old age. Beautifully filmed and beautifully acted by Geraldine Farrar, she came as a bolt from the blue to shocked and surprised "boards" in Ohio, Pennsylvania and California. Her ancient kiss, that inspired the first big press agent "story," was ordered cut to five feet. "Just a little love, a little kiss," warbled the Buckeyes, and nothing more than a yard and two-thirds of affection came within that allowance. "All love scenes showing embraces between males and females" were ordered measured and trimmed, leaving the cigarette maker to give her life for a purely paternal peck from the bashful bull-fighter, Escamillo.

The writer declares, however, that Carmen was not permitted to give her life in Ohio nor in California, since a local board objected to the killing of a woman by a man, although there was no objection to the killing of men by women, doubtless because, as he puts it, "girls will be girls."

In Ohio every picture of a woman smoking must

be eliminated, which, of course, made the lot of the Spanish Carmen even more difficult.

A certain melodrama depicted the execution of plans for an assassination in an isolated house, and showed the villain cutting the telephone wires in furtherance of his plans. No objection was made to the assassination, but the picture was censored because it tended to inspire small boys to tamper with wires.

Pennsylvania prohibited the showing of a farcical scene in which a man burns a letter from his wife. To tear up the letter, it was explained, would have been permissible, but burning showed contempt of the marital relationship. In Pennsylvania no scene may be shown of a mother making baby clothes, the explanation being that children are taught that babies are brought by the stork. When it was argued that even in that event children would of necessity need clothing the censors refused to change their ruling. Any suggestion of approaching maternity is barred, no doubt upon the theory that nature is too immoral for representation on the screen. The rulings of every state board are replete with absurdities quite in keeping with the examples above cited.

It is the aim of censorship to bar evil scenes from the screen, and yet without evil good goes unobserved. A rigid adherence to the rulings of the existing state boards would prevent the illustration of so elementary a lesson in morals as this—viz, "The wages of sin are death," for sin may not be filmed.

### CONCLUSION

Legalized censorship of the film is a dangerous departure in a free country. It is no less dangerous than a censorship of the press or the stage, for it places a ban upon ideas. The indecent, improper and immoral film can be eradicated by the same methods

as are used against indecent, improper and immoral books or plays. It may make the passing of films a matter of political influence and result in consequent abuses of power. It does not reflect public opinion, but merely the personal views of the censors themselves. The experiment which has been tried in other states does not warrant New York making such a radical departure from the principles upon which our government is founded. Nor does there appear to be the necessity for that departure. Great as has been the improvement of the film in recent years, it would be greater and more rapid were the menace of censorship eliminated and the art allowed to develop along its natural lines, governed by common sense and the good taste of the American people.

### MOTION PICTURE CENSORSHIP AND ORGANIZED LABOR <sup>1</sup>

There has recently been introduced in the legislature of the state of Massachusetts, and referred to the Committee on Mercantile Affairs, a bill to provide for the establishment in Massachusetts of a motion picture censorship. This is a measure of moment to organized labor. It is of the greater importance because the dangers involved are not generally understood and appreciated.

The proposed measure was drawn up by a group of women chiefly, whose object is to purify the movies for the sake of young people. This is the principal aim of censorship in the four states where legalized boards exist. One of these states, Pennsylvania to be specific, is blessed by having as its paid secretary—one of its three members who are charged with censoring motion pictures for the entire state—a gentleman who

<sup>1</sup> By William A. Nealey, President Massachusetts State Branch, American Federation of Labor. Distributed by the National Board of Review of Motion Pictures, New York.



apparently spends a large part of the time for which he receives pay as a censor of motion pictures traveling around in the non-censorship states and trying to induce groups of reformers to establish boards like the Pennsylvania board. This person, Dr. Oberholtzer by name, visited Massachusetts and made some very plausible addresses upon the splendid work which the Pennsylvania censors accomplish. He illuminated his remarks with a description of the terrible scenes which they delete from motion pictures, thus saving the morals of the state from going to the bow-wows. Under the inspiration of Dr. Oberholtzer a bill has been introduced in Massachusetts which its sponsors claim possesses all the virtues of the Pennsylvania censorship law, plus.

If the Pennsylvania censorship is such a splendid institution as to deserve emulation in this state, let us examine what it has done to win the thanks of the rank and file of Pennsylvania's population.

In the first place, according to the Pennsylvania censors, children are all supposed to believe that babies come into the world by means of the stork. At any rate so long as there are a few sheltered children left in Pennsylvania this illusion will not be destroyed by the Pennsylvania Board of Censors, for they consistently remove from pictures any suggestion of approaching maternity. For instance, a husband may not say to his wife that soon their home must be made large enough for three; a mother is not permitted to display the baby's layette, nor can a woman ever be taken to a hospital for the purpose of giving birth to a child. It doesn't matter if making this alteration totally spoils the story. Of what importance is that in comparison with preserving the fairylike innocence of the modern child?

Another kind of thing which is anathema with the Pennsylvania board is the admission that there is any wickedness in the world. Of course, they do find it

terribly difficult to keep all suggestion of this out of motion pictures, and the result is that many good people in Pennsylvania complain that the state board is not strict enough and the censors themselves are always, it seems, striving to make rulings more rigid. It is so much better, of course, for young people to grow up without a knowledge of the unpleasantness of life. If they see upon the screen only those delightful stories in which are injected just enough of the hardships of life to make a story at all and in which the real, depressing realities have no place whatever, does it not follow that somehow or other the lives of the young people of Pennsylvania and their mind's attitude toward life will take on the same hue and cast? And as for the adults, why should they seek to see these distasteful realities depicted on the screen? They, too, with the assistance of the Pennsylvania censors, it is apparently hoped, may delude themselves into the belief that things are better than they are.

If the Pennsylvania censors were content to confine their meddlesome activities to dramatic photoplays it would be tragic enough indeed from the standpoint of the development of the motion picture art and of the adult public which desires adult entertainment; but the censors are not so content. They pass in review alike not only the dramatic pictures but educational and even news.

The most flagrant example of interference with news pictures has been the withholding by the Pennsylvania board of scenes and captions dealing with the coal strike. When criticized for this action the Pennsylvania board defended themselves by saying that the governor of the state had told them to do this!

That such activity is not confined to the Pennsylvania board, but is a recurrent characteristic of legal censorship, may also be seen in action of other state boards. For instance, in Kansas the statement of a

presidential candidate was cut because it opposed the principle of censorship of the screen and the Kansas censors took this as reflecting upon themselves. In another instance sections of a news picture which showed banners inscribed with sentiments adverse to another presidential candidate were deleted. Again, the sensitive censors forbade views of the removal of a dead politician's statue to appear because it had a rope around its neck and therefore the scenes were disrespectful to his memory.

Nor are the state censors satisfied to stop at the news films. Scientific and educational films photographed by experts in their respective subjects have been ruthlessly mangled in order to make educational pictures conform to rulings formulated for amusement films. Could there be a worse system than one which places ignorance in a position to cut and alter findings of scientific research?

The further fastening of this designing, ignorant, irresponsible tyranny upon our free institutions would be a public calamity such as we have not seen since our nation was founded upon the principle that enlightenment, liberty, and personal responsibility are the foundations of order and progress.

The serious import of the various efforts to extend motion picture censorship throughout the states of the Union was recognized at the 1916 convention of the American Federation of Labor, which went on record as opposed to legalized censorship in the following resolutions:

#### RESOLUTION

Whereas, The motion picture business of this country has grown to such an extent that today it not only serves as an agency for recreation, but has become *a public agency for education and the dissemination of current information comparable in many respects to the daily press and public forum*, which have a determining influence in directing and educating public thought and opinion; and

Whereas, *Motion pictures supplement the spoken and written word* by a powerful appeal to the mind through the eye, and



the event or thought to be conveyed is thereby visualized; and

Whereas, *Motion pictures must be protected by the same guarantees of freedom* that have been bestowed upon oral utterance and the press; it being fundamental for the protection of free institutions that freedom of speech and discussion should be assured; for only when there exists most complete freedom to express thought or to criticize is there established a guarantee that political and other representative agents shall not assume or exercise the rights and authority that they do not rightfully possess; and

Whereas, Freedom of speech is inseparable from free institutions and the genius of free people; *this freedom to be protected from abuse by holding the individual responsible* for his utterances when the same are based on fact, since legal restriction in advance of presentation limits research, investigation and inquiry for broader and deeper truths; and

Whereas, Here, of late, efforts have been made to establish state and federal boards of censorship to review motion pictures, it being *the purpose of those who propose such censorship to present to the public only such things as they may be permitted legally to see; thereby putting very dangerous authority in the hands of a few, for it enables the board to restrict and determine the very fountain heads of information;* therefore, be it

Resolved, That the American Federation of Labor, in convention assembled in the city of Baltimore, *register its unrelenting opposition to any scheme or system which denies freedom of speech, press, or the showing of motion pictures, when they are based on facts;* and be it further

Resolved, That this convention go on record as being in opposition to government censorship of expression of opinion in any form, and that we indorse again the declaration that freedom of speech, and the *freedom of the press and motion pictures are the palladium of free institutions.*

The report of the Executive Council of the federation accompanying the foregoing resolution further stated that proposals introduced for state and Federal censorship of motion pictures

have had the support of a number of well-meaning persons who really desire to protect the children of the country and to promote a sense of high morality. However, there is involved in the proposition something more than is generally appreciated. The number, variety and uses of motion pictures have been so greatly increased that they now constitute an important means of expression. . . It has been the theory of the few that people can be "made good by law." This same theory underlies the efforts of those who propose government censorship.

There has (however) been worked out a voluntary system by which objectionable and vicious information can be eliminated from motion pictures. Since this is based upon no legislative

enactment and exercises no governmental prerogative, their decisions amount only to an expression of opinion, which carries weight in accordance with the honesty, the discretion and the wisdom of the members of the board.

The board referred to above is the National Board of Review of Motion Pictures, which is a volunteer organization reviewing practically the entire American motion picture output and fundamentally opposed to legalized censorship of the screen. The National Board of Review holds that existing laws are ample to protect the public from the exhibition of anything that is indecent, immoral or obscene. It holds that the pre-publicity censorship of motion pictures is just as clearly an invasion of constitutional rights as would be a similar censorship of the press. In the words of *The Morning World-Herald* of Omaha, Nebraska, apropos of a censorship bill which had been introduced in Nebraska, "the freedom of the press does not mean immunity from punishment for any offense against the law. But it does mean that no court, no magistrate, no bureau or commission or board of censors may be created to pass in advance on matter intended for publication, and say "this is permitted," and "this is forbidden." The publisher prints at his own risk and on his own responsibility and pays the penalty for his misdeeds after he has been tried before a jury and found guilty.

The moving picture house is taking its stand alongside the newspaper, the weekly and monthly periodical, the book publishing house. It talks to as wide an audience as any of them, talks the same language, deals with the same stuff and substance of life. It prints the news of the world. It prints editorials and sermons on present and past events. It provides stories, romances, tales of travel and adventure, tragedy, comedy, just as do the newspapers, magazines and books.

And it is entitled to the same responsible freedom as they. What is vastly more important, a free and self-governing people, not a censored people wearing blinders and a bridle, are entitled to the same right of access to pictures that please them as to newspapers, books and magazines that please them. "Movies," books, magazines and newspapers alike, they are subject to the limitations of the laws that are necessary for the protection of a society that is decent the same as it is free.

It is not generally realized that the National Board of Review is a cooperative but effective organization by whose decisions the manufacturers voluntarily pledge themselves to abide. In its large and varied membership it aims to be representative of the American public. In the nature of its decisions it aims to represent public opinion. It is sympathetic to the motion picture screen and to the masses who find in it their chief diversion as well as an important means of enlightenment. It endeavors to estimate average public opinion and to modify pictures in those respects which are clearly for the public good. That it is successful in this endeavor is borne out both by the increasing measure of cooperation accorded it by the producing companies and by the general decrease of adverse criticism of motion pictures during the last four or five years. This check upon the exhibition of motion pictures which may contain elements of questionable propriety is a vastly different proposition from the legalized censorship of the screen which assumes that a small group of people, usually three in number, possess infallible fore-knowledge of what the public should have and, themselves immune from correction, should dictate what the public may or may not be permitted to see. If the producing company believes that the national board has over-reached itself it is free to exhibit its film nevertheless and get the verdict of the theater audiences upon it. That this recourse has been adopted but once in the last four years is testimony to the generally accepted wisdom of the national board's decisions.

It is notorious that censors of the legalized state boards do not agree. The decisions of the state boards differ one from another. The members of any given state board frequently disagree. For instance, the chairman of the Pennsylvania board was recently reported as having said in effect that his job was becoming intolerable because he could not stand the narrowminded and ridiculous decisions of his two confreres. It is only a large and representative group, actuated by no motives but



those of public interest and removed alike from political influences or commercial interest in the motion picture industry, which may safely be entrusted with the editorship of what appears upon the screen.

There is no popular demand for state censorship. It is inimical to the free institutions of this country. It is opposed by the American Federation of Labor. It is clear, therefore, what position organized labor everywhere should take with regard to it. The only question remains, *will* organized labor awake to the situation and oppose censorship legislation where it is introduced as in Massachusetts? Or will it wait supinely until it finds itself saddled with this undemocratic institution? It is up to the local unions of the Massachusetts State Branch of the American Federation to say how these questions shall be answered.

### COMMON SENSE AND THE FILM MENACE<sup>1</sup>

The movies are bad. The movies are vile. The movies are demoralizing. The movies are indecent. The movies are unfit and unclean. So the complaints pour in, the great bulk of them from women. Yet it is for women that the modern photoplay is made. Producers admit and protest that they have womankind more or less exclusively in view when they fabricate what is being projected on the screen nowadays in the majority of motion-picture show places.

Feminine patrons of the movies are very largely in the majority. In most families the women lead the way. The men trail along and hope they may see Charlie Chaplin or Mutt and Jeff or "Doug" Fairbanks, when his acrobatics are not too unbelievable. The men are also interested in the news pictures and hope against hope that some worth-while long-reel feature may be shown. Infrequently they are rewarded. More often they must sit

<sup>1</sup> Editorial. Ladies' Home Journal, 38: 24, April, 1921.

through a nightmare serial, a sickening bathing-girl frolic, a hectic drama in which human nature is inverted, perverted and contorted to a degree that must cause the low-grade feeble-minded to wonder why they have not been invited into the inner councils of the celluloid barons.

And woman is to blame for it all! She is the causation. Primarily the pictures are made for her. She has been analyzed by the studio psychologists. Her reactions have been indexed and charted. She has peaks and valleys of enthusiasm—mostly peaks. She is the low popular taste that this enormous new industry is influenced by in its choice of themes and their execution.

Such is the indictment. There are innumerable counts in the bill. It is a sufficiently plausible arraignment to demand vigorous action on the defensive. Women's organizations throughout America should stir themselves to do something. They cannot use their new power and prestige to better advantage than to effect a cure of the evil that has brought the photo-play down to its present level.

This comment, naturally, applies to levels. Better pictures are being made every year, but the average registers rather a decline than an elevation.

If women are to exert pressure to raise the average so that they may feel contented to allow whatever influence the films have upon the rising generation full sway, the time for them to study the problem dispassionately and from the common-sense premise is now. Silly crusades will do more harm than good; they die of their own reactions. The passage of a hodge-podge of conflicting state-censorship laws is being widely urged as a cure-all. More political jobs. More taxes to pay salaries to busy censors chosen from among the faithful in the party vineyard. Confusion. Obfuscation. Rhode Island censors rule bobbed hair immoral. Contrary, Arizona censors. Iowa censors ban cigarettes for male or female. Contrary, Kentucky and North Carolina censors.

Imagine what would have happened to Pilgrim's Progress, Robinson Crusoe, Lorna Doone, Uncle Tom's Cabin, Vanity Fair, Huckleberry Finn and the Scarlet Letter if forty-eight sets of censors had read copy on the original manuscripts and cut and snipped and expunged at will in order to prove to the taxpaying public that they were earning their salaries. Yankee Doodle and the Star-Spangled Banner could never have survived the inquisition of so many clashing minds of the degree of intelligence usually found among our small office holders.

The distribution of films is an interstate business. We can never have good pictures unless they have wide distribution. The cost of exhibiting a film to forty-eight groups of state censors and changing that film to suit the peculiar laws of each state, and on top of the peculiar laws the personal prejudices and opinions of each little board that interprets the laws, is an appalling charge to add to an already crushing overhead.

Pennsylvania, Ohio, Kansas, Maryland, the city of Chicago and Canada have passed censorship laws and have been operating their censorships for some time. If there has been any noticeable betterment of pictures under these censorships, we have been unable to obtain any evidence of the fact—either hearsay or direct visual evidence.

You cannot legislate better films. You cannot legislate better books, better magazines, better works of art, better thoughts, better impulses. Every state and community has existing police powers to close any show place where anything provably vicious is being exhibited. Legislation that is abstract and interpretive is the short-cut, negative way to betterment that appeals chiefly to job hunters and snapshot reformers.

The positive method, the sane method, the sure-result method is to boost the good pictures. If you will organize your boost intensively for good photo-



plays and utterly ignore the bad ones—unless it is a police matter—the “thunders of silence” will take care of their extinction.

Apologists for the demoralizing form of the film drama seek to persuade us that the sex motif was injected to meet popular demand. This is the usual cheap camouflage of the opportunist and sensationalist. Popular demand must always be guessed at in the first instance. It has never yet sent heralds out to clamor for what it wanted. The sex motif probably dates back to the Java ape man and his genus. It is the most elemental of all interest motives for mankind. You will find it in the best that art and literature has produced and you will find it in the lowest pretensions to art and literature. It was introduced into the films not as art or literature but as merchandise, something to sell by the foot to a palpitant public. It has been tried out on the same basis in a certain group of magazines until it palled of its own inanity and sameness.

Such will be its fate on the screen, for popular taste periodically proves itself an infinitely cleaner thing than narrow and vicious intelligences ever give it credit for. The sex motif is now “all in the eye” of the opportunist. It will linger in his eye until we can get together and boost the good pictures that tell a real story and have a real background. When intelligent producers take an intelligent stand and produce big, clean photoplays and tell the world that they are big and clean, they’ll find millions of backers everywhere ready to rise up and boost for them.

The National Board of Review of Motion Pictures has hammered away on this common-sense principle ever since its organization. This National Board of Review is composed of men and women who are unselfishly interested in grading up the quality and kind of motion pictures that are shown everywhere in the United States. They are not job holders or place hunters. They have no political bosses or voting constitu-

encies to satisfy. They offer themselves not as enemies of the film producers but as cooperators, and they have succeeded right along in obtaining honest and sincere cooperation from the better class of producers in the industry. The fly-by-night shyster will, of course, cooperate only with the devil, and a pretty low-down, moron type of devil at that.

"Boost for better films" is the advice offered to all organizations of women everywhere by the National Board of Review of Motion Pictures, which has its headquarters at No. 70 Fifth Avenue, New York city. Organize in your neighborhood, no matter how small your town, a better-films committee. Join, if you hear of one near by. Get in touch with the National Board of Review for suggestions and advice.

If half of our readers would devote thirty minutes a week to finding out what are the good pictures and boosting them, "the deaf-and-dumb menace" would soon be headed off and the motion picture would begin to transform itself into one of the most potent influences for good that has been developed in modern times.

## STATE CENSORSHIP OF MOTION PICTURES<sup>1</sup>

### AN INVASION OF CONSTITUTIONAL RIGHTS

The Constitution of the United States and those of the several states guarantee freedom of speech and the press. Motion pictures have arisen since the framing of the Constitution, but they are obviously a means whereby opinion is expressed, and as such are entitled to the same right of liberty as is accorded speech and press.

On this ground many state legislatures have repeatedly killed censorship legislation. In New York city,

<sup>1</sup> A pamphlet issued by the National Board of Review of Motion Pictures. March, 1921.

Mayor Gaynor vetoed an ordinance providing for censorship in 1912, and a second attempt was frustrated in 1919, the official report against it concluding:

Your committee is opposed to the creation of a censorship *because it regards the remedy suggested as far more inimical to our institutions than the evil sought to be corrected thereby.*

#### A DEFIANCE OF DEMOCRATIC PRINCIPLES

Legalized state censorship empowers a small group, usually three persons, politically appointed and of inferior ability, to decide what all the people of the state may see on the screen. *It takes away from local authorities who are elected by the people power to regulate the pictures shown in their own communities.*

#### CENSORS CANNOT AGREE

Only four states have boards of censorship, and these continually contradict one another in their decisions. If every state had censorship, there would be forty-eight independent, conflicting, arbitrary standards to which motion pictures must conform. It is inconceivable that this could make for better pictures.

#### NO POPULAR DEMAND FOR CENSORSHIP

There is no popular demand for state censorship. The average American family attend the show once a week and enjoy it. Censorship agitation is artificially stirred up by well-meaning but insufficiently informed reformers, who wish to impose their own standards of taste upon everybody else. It is encouraged by certain political elements who covet the patronage and the power over channels of public information which it would give them.

#### UNJUST DISCRIMINATION

Compared with other forms of dramatic entertainment, the motion picture is the least objectionable of all



on the score of morals. To single it out for censorship, therefore, is on the face of it indefensibly unjust and stupid.

#### CENSORSHIP NO SOLUTION OF THE CHILD PROBLEM

The chief reason advanced for state censorship is that ordinary shows are unfit for children to attend.

In the first place, no censorship can banish melodrama from the screen, or expurgate it into a commendable entertainment for children.

In the second place, nobody has any business to try to do this. The motion picture is the chief amusement of the adult public, and any attempt to standardize it as a child's entertainment is as intolerable as it is impossible.

The only solution of the child problem is to provide children with special programs.

#### CONFUSION OF TASTE WITH MORALS

Most clamor for censorship makes no distinction between bad taste and bad morals. It is chiefly concerned with the former, quite oblivious of the fact that standards of taste are irreconcilable. What is good taste to one is bad taste to another.

#### PUBLIC OPINION THE ONLY EFFECTUAL CENSOR

Awakened public opinion is the only effectual guaranty of safety and decency. Responsibility for public morals should therefore be put squarely up to the community and its constituted authorities. Any scheme which takes responsibility and authority away from the community and vests them in a distant and small committee is plainly dangerous and vicious, particularly if such a board is clothed with arbitrary authority and is not directly responsible to the people.

The standards of the local theater audience differ from the average standards of a whole state. The legal censors would have us believe that state censorship is based on the state average of opinion. But there is no

state average which legal censors may voice in their decisions. The opinions of the people of an entire state are composed of a conglomerate mixture of opinions and standards which no one board can possibly combine so as to give it a real gauge of public opinion. For instance:

The mayor of one of the leading cities of Ohio recently said that the Ohio Board of Censors were allowing in his city pictures which the citizens would not permit, had the power of regulation not been taken from them and vested in the state board.

In another great city of Ohio, a federation of churches and other organizations are at work enforcing higher standards than those endorsed by the state censors. Since the managers have a legal right to exhibit pictures passed by the state board, the federation must depend upon the good-will and cooperation of these men.

If, then, the public and the managers in one of the largest cities of the country voluntarily agree that their standards are different from those of the state board of censors, *what is the use of the board?* Its claim that its decisions represent state sentiment is contrary to fact.

Such a board, then, is clearly a drag upon public opinion and the motion picture producers in any attempt to further the development of the artistic picture. It is an authority to be invoked by the unthinking or the prejudiced or those with special axes to grind who see in the motion picture an enemy to their own particular point of view or their own interests. It is an engine to frustrate the will of the people, to interfere with the only healthy and efficient regulation of public morals.

#### CENSORSHIP OF NEWS AND EDUCATIONAL FILMS

All news and educational films are passed upon by the state boards of censorship in the four states where they are in operation. *The most telling count against the censors is that they have deliberately suppressed news or*

*altered their import by cutting out portions.* In one instance, the statement of a presidential candidate was cut; in another, sections of a news picture which showed banners inscribed with sentiments adverse to another presidential candidate were deleted. But the most notorious instance is perhaps the cutting out by the Pennsylvania censors of pictures and captions dealing with the coal strike. Public opinion would not tolerate such interference with the printed news, and when it is aware of what legalized censorship of news on the screen is doing, it will not countenance that.

But the state censors have not stopped at the news films. Scientific and educational films photographed by experts in their respective subjects have been ruthlessly mangled in order to make educational pictures conform to rules formulated for amusement films! *Could there be a worse system than one which places ignorance in a position to cut and alter the findings of scientific research?*

The fastening of this designing, ignorant, irresponsible tyranny upon our free institutions would be a public calamity such as we have not seen since our nation was founded upon the principle that enlightenment, liberty and personal responsibility are the foundations of order and progress.

#### NATIONAL BOARD AND THE FREEDOM OF THE SCREEN

Fundamental in the theory of the National Board of Review is the recognition of *the screen's right to freedom.*

The conviction that there can be no complete convergence of opinion as to what is precisely moral and what is precisely immoral, or as to where questions of taste and morals overlap, is basic in its conception of motion picture regulations.

The national board believes that public opinion, which is the compound of all tastes and all ideas of morals, is the only competent judge of the screen.



*But public opinion cannot regulate if there is no freedom of the screen to allow it to decide for itself what shall and shall not be presented to it.*

#### NATIONAL BOARD AND THE QUESTION OF DIFFERING OPINIONS

The national board holds that the very tendency to differ in opinions is the safest guard against arbitrary, self-assured and narrow censorship of the motion pictures.

Through all its members it tries to determine and reflect the thought of the people at large.

*It encourages the expression of as many opinions as possible on the pictures passing under its review. The majority opinion rules.*

#### WHAT THE MAJORITY OPINION REPRESENTS

This majority opinion, born of differences of opinion, very nearly represents the prevailing consensus of the wide, diverging, shifting, continually advancing host of viewpoints which make up public opinion.

*For the membership of the national board, comprising upwards of two hundred persons, itself is representative of that broad commingling of points of view. These members of its reviewing committees are drawn from many different walks of life, environments, professions and interests.*

#### THE BLUE PENCIL PRINCIPLE

Every newspaper, before it goes to press, is submitted to the blue pencil, in order that nothing contravening the public good and the welfare of the publication shall appear. The blue pencil is exercised with as nearly precise knowledge of the public state of mind as the editor is able to obtain. He derives his knowledge through many avenues of approach to the public mind.

*Thus the blue pencil, properly used, is the instrument of public opinion. It is wielded with common consent.*

The majority opinion of the members of the national board on given pictures, since it approximates public opinion, is the blue pencil used for the public good and the screen's welfare.

Under this system, the screen, like the press, is made responsible to the people at large. If its editing is unsatisfactory, it will hear from the public, and its standards may be readjusted.

*This is the antithesis of a censorship imposed by a political power upon both screen and public, which makes no concession to general opinion, which admits of making no mistake, which establishes political control over the public news service.*

*Every good American should oppose state censorship of the screen.*

## MOVIE, CENSOR, AND PUBLIC <sup>1</sup>

Both the advocates and the opponents of motion picture censorship must necessarily erect their arguments upon the basis of the self-same fundament of facts: and this foundation is so huge in its dimensions as always to stagger the imaginations of those "not native unto that element." It is a fact that at the present time there are thousands and thousands of motion picture theaters in this country and that these theaters are attended every day by millions and millions of people. It is a fact that these millions and millions of people derive the main inspiration and guidance of their lives from what they see upon the screen, instead of deriving their guidance and their inspiration from what they daily gather from their own experience or from what they daily read; and it is also a fact that the major-

<sup>1</sup> By Clayton Hamilton. Literary Review, New York Evening Post, December 30, 1922.

ity of these millions and millions of spectators are young people whose characters and lives are within the malleable process of formation. Thus it is an undisputed fact that the motion picture, willy-nilly, has already become one of the most potent factors in the education of our public; that it exerts by psychological suggestion an unprecedented influence for good or bad; and that no other informative or educative force—not even our widespread daily press—can at all approach it in vividness of appeal or in extensiveness of influence. We have arrived already at the point where a dictator or a demagogue might safely say: “I care not who makes the laws for the nation, provided that I may control what shall and what shall not be shown upon its motion picture screens.”

Obviously, it would be a good thing for our public, and particularly for our rising generation, if our motion pictures could be made only by great artists endowed with an infallible genius for never showing anything upon the screen which was not indisputably true, and therefore, —as a necessary corollary—unquestionably beautiful. It would also be a fine thing for our public if all our books were good books, if all our plays were good plays, if all our buildings were excellent examples of architecture, if all our works of painting and of sculpture were positively beautiful, and if all our newspapers were as sincerely earnest in their effort to educate and to uplift the public as—let us say—the *Christian Science Monitor*. To state the matter briefly, the world would be a better place to live in if the millenium had come.

But, as President Cleveland once remarked, we are confronted not by a theory but by an actual condition. The vast majority of the millions and millions of our people who patronize the motion pictures every day are uncultured, under-educated, unrefined; they have their own tastes which are oftentimes deplorable; and they are able to assert these tastes very effectively at the box office. It costs several tens of thousands of dollars to make even an ordinary motion picture; and it has been found in



practice that it is both dangerous and difficult to get this money back by producing and exhibiting motion pictures aimed too loftily above the expressed appreciation of the many-headed multitude. It must be admitted also that many of our motion picture magnates who only a few years ago were sponging suits or manufacturing minor articles of apparel are just as uncultured, under-educated, unrefined as the multitudinous mob they cater to in their commercial effort to give the public what it wants. Nevertheless, it must be swiftly admitted, on the other hand that these very magnates have in recent years consistently and steadfastly endeavored to improve the quality of their productions by employing accredited authors, directors, actors, and designers and urging these artists to exert their ingenuity to the utmost in the delicate task of slipping over to the public something appreciably better than what the public seems to want. It is undeniable that our best motion pictures are now far finer than the best motion pictures of a few years back. Mr. Douglas Fairbanks's current production of "Robin Hood," for instance, may be accepted seriously as a work of art. It is both true and beautiful, and it exerts an educative and uplifting influence upon the heedless millions who swarm to see it.

It is evident enough that the motion picture industry, despite the heavy incubus of its comparatively tasteless and comparatively stupid—because enormous—public, and despite the almost equally heavy incubus of those of its own magnates who remain both stupid and tasteless, is managing to improve its productions with a rapidity which, in view of the discouraging conditions, is surprising. The big companies, as time goes on, are making fewer and fewer but better and better pictures; and the progression of the industry toward the status of an art is, quite apparently, proceeding by leaps and bounds.

This progress has, of course, derived its main impulse from the vast army of veritable artists—most of them uncelebrated and unknown—who, finding them-

selves caught up in the machinery of the motion picture industry, are striving hard, according to their own innate illumination, to be torchbearers along the perilous path which this monstrous organism must still tread before it enters the ivory gate which leads to art. If the motion picture industry may pride itself upon the rapid progress which it has achieved and registered within the last few years, if it may now repeat with a bland smile the far-flung incantation of the celebrated Dr. Coué, "Day by day, in every way, I'm getting better and better," it should always be remembered that this progress has resulted from the idealistic and undiscourageable efforts of the thousands of sincere artists that the industry has gathered to its service—the silent army of the silent drama.

But, now that this impressive effort from a source that is inherent in the industry itself has unquestionably been initiated, the problem remains to be considered whether this strong movement toward the goal of better pictures would be assisted or impeded by the general establishment of a system of motion picture censorship.

Before discussing censorship at all it should perhaps be clearly stated that everybody is agreed that obscene or indecent films should be ruthlessly exterminated. But to effect this purpose it is not necessary to appoint a board of censors. The public is already sufficiently protected by our inherited common law. The manufacturers and distributors of films which are indecent or obscene can, and should, be prosecuted; and a single successful prosecution in any community would make it commercially impossible for the culprits to repeat the offence. But censorship is something very different from summary police protection of this sort.

At the present time boards of censorship for motion pictures have been legislatively established in the states of Pennsylvania, Ohio, Kansas, Maryland, and New York, in the city of Chicago, and in various other local regions of this country; and a determined effort is being made to

extend the system of censorship to other states, and also to hasten the whole matter by initiating a nation-wide machinery of censorship under the ægis of the Federal control of interstate commerce.

This effort to establish by due process of law the principle of motion picture censorship throughout the nation is well organized and politically strong. The opposition—because of innate carelessness and a too comfortable advocacy of the easy doctrine of *laissez faire*—is not well organized and is not politically strong. Hence, for those who desire a disinterested adjudication of this public problem there is a danger that the verdict may be delivered by default and that a repetition may occur of that now historic instance of injustice to the democratic principle whereby a prohibition amendment was legislated into our Constitution at a convenient moment when nearly four millions of our voters were occupied in France.

If we are willing to accept without argument those principles upon which our American forefathers founded this republic—affording thereby a new beacon to a darkened world—we must admit that any legislated censorship, of books, or plays, or paintings, or statues, or buildings, or musical compositions, or motion pictures, must be theoretically wrong; for such a censorship must necessarily appoint an autocratic few to determine what may and what may not be said or shown to the democratic many. But practice is not always harmonious with principle; and in practice, for instance, it has been found advisable to appoint building commissions empowered to prohibit the erection of any work of architecture which, however beautiful on paper, seems likely to fall down if translated into stone.

In practice, if not in principle, a Federal board of motion picture censorship might be desirable if this board could be composed of three such men as—let us say—Matthew Arnold, Walter Bagehot, and James Russell Lowell. But such men are born very rarely; and, even when they do exist and might be invited to serve as cen-



sors, they are too busy to devote their time to a critical examination of the millions and millions of feet of film that are manufactured every year. According to our present politics, a salaried position on the board of motion picture censorship in any state will naturally be regarded as a soft berth for a deserving Democrat, or a deserving Republican or a deserving member of whatever party has happened to win the last election; and there can be no assurance whatsoever that the appointee to this soft berth shall be more cultured, better educated, more refined than the average motion picture magnate or the multitudinous motion picture public. Thus censorship is not only wrong in principle, but is also deplorable in practice, because, almost inevitably, it must delegate autocratic powers to individuals who are unworthy to carry so heavy a burden of the public trust.

Speaking with the background of two solid years of service as an editorial executive for one of the largest and most important of our motion picture factories, I am willing to say frankly that the progress of the industry toward the ultimate goal of art is at the present time impeded less by the ignorance of the public and the obtuseness of the magnates than by the stupidity of the censors in those regions wherein censorship has already been established and by a haunting fear of the extension of censorship to other regions. There is not an author, not a director, not an actor, not a scenic designer who is not opposed to motion picture censorship; and the reason is that all the members of the silent army of the silent drama have learned in practice that censorship is inimical, if not utterly destructive, to their earnest efforts to erect the motion picture to the status of an art.

The seriousness of the situation is seldom understood by the members of our body politic, who have many other things to think about. It should therefore be regarded as a very fortunate event that Mr. Ellis Paxson Oberholtzer, Ph.D., Litt.D., has been moved to publish a book on "The Morals of the Movie." Mr. Oberholtzer has served for

six years as a member of the Pennsylvania State Board of Censors: throughout the motion picture industry the Pennsylvania Board of Censors has been recognized for several years as the most unreasonable in its rulings, the most drastic in its devastations; and now, by the publication of this book, an opportunity has been afforded to the judicious reader to measure the mind of the sort of person who may be empowered by the existence of a legislated censorship to obstruct the path between the initiators and the appreciators of the current struggle of the motion picture to become an art.

Mr. Oberholtzer is, evidently, earnest and sincere. His mental attitude is representative of that of the censor at its best and by no means at its worst. Yet he reveals himself, on nearly every page of his confession of faith, as an enemy and not a friend of the motion picture industry; he regards the motion picture primarily as an engine of evil, instead of regarding it potentially as an influence for good; and in every chapter, he shows an utter inability to understand the very meaning of morality as applied to the critical appraisal of a work of art.

Mr. Oberholtzer is so ignorant of the basic principles of ethics and esthetics that he believes the moral integrity of any work of art may be predetermined by merely glancing at its subject matter; whereas all philosophic critics are agreed that the morality or immorality of any story, or of any passage in a story, is dependent merely on its truth or falsity. There is no such thing, *per se*, as an immoral subject for a narrative: in the treatment of the subject, and only in the treatment, lies the basis for ethical judgment of the work. The one thing needful in order that a motion picture shall be moral is that its makers shall maintain at every point a sane and healthy insight into the soundness or unsoundness of the motives and actions of the characters. The artist must know when his characters are right and know when they are wrong and must make clear to us the reasons for his judgment. He cannot be immoral unless he is untrue.

To make us pity his characters when they are vile or love them when they are noxious, to invent excuses for them in situations where they cannot be excused, to leave us satisfied when their baseness has been unbetrayed, to make us wonder if after all the exception is not greater than the rule—in a single word, to lie about his characters: this is for the artist the one unpardonable sin.

But censors such as Mr. Oberholtzer invariably judge the morality of a work of art not by its treatment but by its subject matter. They would condemn "Othello" because the hero kills his wife—what a suggestion, look you, to carry into our homes! They would regard "Macbeth" as an immoral play because it makes night hideous with murder; and, as for the greatest of all Greek dramas, "Ædipus the King," they would forbid it as unfit for public presentation. In fact, it would be very difficult to find a single great play, or great epic, or great novel, or great story that has long been honored in the literature of any nation which, if reproduced upon the screen with the utmost possible fidelity to the original text, would be passed without drastic mutilation by the Pennsylvania Board of Censors.

It is evident, for instance, from his book that Mr. Oberholtzer is convinced sex is in itself an evil and an ugly thing and that the universe was guilty of a lapse in moral taste when it evolved the natural means of propagating the human race. So strong is his conviction on this point that one is almost tempted to wonder if Mr. Oberholtzer has ever managed to forgive his own parents for what he must regard as the regrettable act of bringing him into the world. At any rate, in the state of Pennsylvania a happily married young woman may not be shown upon the screen in the act of whispering to her husband the sweet news that they are to have a baby; nor may she be shown in pantomime in the domestic occupation of sewing baby clothes.

To justify these prohibitions, the censors always



assert that such scenes should not be set before children of tender age, lest they be inspired to ask their parents awkward questions. But it never seems to occur to the censors that the proper place for young and growing children is either in school, or in the homes, or in the back lot playing the national game. Parents do not take their children to the theater to see "Hedda Gabler," or "Anna Christie," or any other play that children cannot understand. Is there any necessary reason why they must take them to motion pictures that have been planned for an adult intelligence? And if most parents are so stupid that their children must be guarded by the intervention of the law, would it not be wiser to institute an ordinance forbidding all children under a certain age to attend any public entertainment than to institute a censorship demanding that all motion pictures shall be suited to the intelligence of the eight-year-old child?

Again, the censors always assert that such stories as "Hamlet," "Macbeth," "Othello," and "King Lear" must be banished from the screen because they might incite the weak minded to deeds of violence and rapine. But must our artists be condemned to make stories only for the weak minded? It is, I believe, an admitted fact of history that the weak-minded Czolgosz was incited to the murder of President McKinley by something that he had read in a newspaper but must we therefore suppress all newspapers and deprive the vast majority of our law-abiding citizens of their daily means of contact with current events?

To satisfy the illogical demands of the Pennsylvania censors and their followers in other states, our authors and directors are continually tempted to tell lies about life and to sickly o'er their stories with a pale cast of wishy-washy sentimentalism. This is bad for the motion picture as an art, and it is bad for the public. There is an ever-present danger that the public may believe what is shown to it upon the screen, and that the rising genera-

tion may be persuaded that life is as silly and as meaningless as the formula to which the censors insist that it should be reduced.

Mr. Oberholtzer grows positively entertaining when he gleefully explains how easy it is for a censor to alter the entire meaning of a story which an author has carefully prepared. "The result is brought about," he tells us, "mainly by changes in the captions and the titles with a cutting and rearrangement of scenes. A man living with a mistress finds himself married to her. A natural child is legitimatized. Throughout the story the relationships are changed. Some knowledge of play construction, a little literary skill, and a patient spirit are necessary to obtain results which are of any practical use." Then, as an example of his own literary skill, he tells us that, in censoring a motion picture version of "Michael and His Lost Angel," one of the truest and most beautiful of modern English plays, he eliminated the subtitle "That means that you and I will be here until morning," and substituted "For years I have preached the insolubility [*sic*] of marriage; now I am weakening."

But funny as such antics are, we must not be unmindful of their tragic implications. It is a fact that no citizen or resident of the state of Pennsylvania is allowed to see any narrative on the screen that has not first been filtered through such a mind as this. Mr. Kipling's classic story "Without Benefit of Clergy," which had been carefully prepared for the screen with the collaborative assistance of the great author himself, could not be released until the censors had "legitimatised" it by asserting in a subtitle that Holden was married to Ameera. In the face of such a situation how can the ablest and best intentioned of our writers ever succeed in lifting the motion picture to the level of an art? And if the motion picture is forbidden to become an art, if it is forbidden to set forth stories that are true and consequently beautiful, if it is forbidden to appeal to the adult intelligence, to direct its message not to the weak minded but to the healthy

minded, if it must remain forever a wishy-washy medium for telling sentimental lies, may it not be seriously said that we are shamefully misusing what is admitted to be, willy-nilly, one of the most potent influences today in the education of our public? It is to be hoped that Mr. Oberholtzer's disquisition on "The Morals of the Movie" will be very widely circulated and that those who read it will think about the problem very carefully.

### SHALL THE MOVIES BE CENSORED? <sup>1</sup>

The first legalized censor board was established in Ohio nine years ago, and since then six other states have passed laws establishing such boards—Pennsylvania, Maryland, Kansas, New York, Virginia and Massachusetts. In the last two the law is not as yet operative. Censor board bills were defeated in thirty-seven states during the past year.

The Board of Censors of Ohio was first organized under the Industrial Commission in 1913. In 1921 the administrative departments of Ohio were reorganized by the legislature, at which time the former board was disbanded and a division of film censorship was set up under the department of education, with a division chief and two assistants. An advisory board appointed by the governor to serve without pay, was created. This is the method of organization that obtains at the present time.

A bill has been recently introduced in the national House of Representatives creating a new division of the Bureau of Education to be known as the Federal Motion Picture Commission. Briefly, this bill provides for a commission of three to serve six years each at a salary of \$6,000 per annum. It would review all films intended for interstate or foreign shipment and license those that do not corrupt public morals, incite to crime, etc. This bill has been referred to the House Committee on Educa-

<sup>1</sup> Excerpt from Report of the Municipal Committee of the Cleveland, Ohio, Chamber of Commerce. May 24, 1922.



tion where it is still pending. The chairman informs us that there will not be immediate consideration given to this bill because of extended hearings on a similar bill several years ago.

### THE CASE FOR MOTION PICTURE CENSORSHIP

The arguments for censorship which have been presented to the committee, are summarized as follows:

The claim has been made that censorship is un-American; that we would not tolerate a censorship of the press. This would be admitted to be true by many of the advocates of censorship, but it must not be forgotten that the production of motion pictures is a comparatively new industry. It has become one of the largest businesses in the country almost over night. Its rapid growth demands drastic control. Censorship is the only agency that has kept it at all within the bounds of propriety.

It has been said time and time again that a considerable portion of juvenile delinquency is directly traceable to the motion picture show. Children are by instinct imitators and when the youthful minds observe the scenes of murder and robbery, which are continually being shown on our screens, their desire to imitate is quickened and it is not long before some of them, at least, are brought into the juvenile court. A survey of the opinions of New York grade school principals shows the undue evil influence which the screen has on the juvenile mind.

Even if it should be admitted that censorship is fundamentally unsound, it has accomplished and is accomplishing one great good—it is bringing the movie interests to the realization that in the long run they cannot foist salacious or unclean films on the public. It is a constant reminder to them that the public has paid eyes to watch the things they do. Thus their works are brought into the open and that very fact tends to keep them clean.

It is the opinion of many men in the business that censorship, or the threat of it, has forced the producers

to keep their house somewhat in order. Without this method of expressing public opinion, the unscrupulous producer would have long ago gone to such extremes as to bring down prohibitory laws not only on himself, but on his more conscientious colleague.

One of the best arguments for censorship is the fact that nearly all of its opponents tacitly admit the need of some kind of regulation. They make this admission by proposing some sort of remedy other than censorship, which in their opinion, would bring the screen to a higher moral plane.

One of the fundamental principles of story writing is that some bad must go into a story, in order to bring out the good by contrast. This is equally true, of course, with the scenario. It is foolhardy to leave the decision as to how much bad there shall be in a picture to the producer. He is a too vitally interested party. It should be left to the public to determine how much bad shall go into a picture and this can only be done effectively through a board of censors.

Many students of this problem state that indiscriminate kissing and embracing are taught by present-day moving pictures. Many scenarios are based on sex relations or the eternal triangle. The theater-going public is given the impression that such things are quite common. The producer invariably treats these subjects from the box-office point of view. He will go to almost any limit to insure for his production a financial success. Such methods of treatment are bound to be injurious to public morals. He does not hesitate to introduce immodest wearing apparel and partial nakedness into the scenes in order to attract those who are morbid sensation lovers. His excuse is that he is giving the public what it wants. A demand can be created for anything. Demand is no criterion by which to judge the propriety of a thing. Censorship is the only answer to this kind of producer. He will fear no other weapon that the public may be able to wield.

## THE CASE AGAINST MOTION PICTURE CENSORSHIP

The arguments against censorship which have been presented to the committee, are summarized as follows:

"Congress shall make no law. . . abridging the freedom of speech or the press. . ."—The Constitution of the United States.

Many people who are constantly clamoring for censorship are unable to distinguish between bad taste and bad morals. They lose sight of the fact that standards of taste are irreconcilable and that which seems to be good taste to one, is bad taste to another.

Censorship is un-American. If it is applied to motion pictures, it is only a short step to censorship of the stage and press. If we were to have a censored press it is not difficult to conceive of the power and size of the political machines that could be built up under such a system.

We all deem it our inalienable privilege to pick out the books we read, the plays we see, the food we eat and the clothes we wear. Why then, do some of us believe that it is necessary to have hired politicians look over our motion pictures before we see them and tell us what we may and what we may not see?

Professional censors develop a peculiar attitude of mind. They are hired to ferret out evil and with that predisposition they are usually successful in finding something that can be construed as evil whether or not it was the intention of the author or producer to show evil. Then too, they feel that they are appointed the guardians of the public morals. No matter how conscientious they may be, this places them, in their own minds at least, on a pedestal above the general public. It must be remembered that they have their jobs to hold. If they do not censor, then there is no censoring to be done and their jobs would be abolished.

Censorship is absolutely unnecessary. There is not a state or a city or a town in the country that does not have some kind of law which makes it possible for the police



to stop forthwith the showing of an unclean or salacious film. What more provision than this is needed to protect the public from a few unscrupulous producers? The police power is sufficient to take care of any situation that might arise and take care of it without denying the people their right of thought and action.

Few people will deny that since the war the market has been flooded with many very questionable pictures—pictures in which the sex problem has been featured—pictures that without doubt have tended to lower the moral standards of the country. This has been due to the inevitable backwash of the war. During the war the government told us what to eat, when to turn out our lights, when not to drive our automobiles, when to do this and when not to do that. We were confronted by “don’t” on every hand. At the close of hostilities, reaction came. Our restored freedom, in many cases, became license. The pendulum swung to the other extreme. The lack of restraint manifested itself in many places, including the movie screen, but that phase is now rapidly passing. The pendulum is returning to normal. The pictures of the last few months are much cleaner than those of two and three years ago. The situation is righting itself.

Hundreds of newspapers and magazines have editorially opposed censorship on numerous occasions. They believe it to be iniquitous. They believe that a muzzled screen may eventually lead to a muzzled press.

It is contended that the censor board furnishes a cross-section of public opinion and since the public should be its own censor, this is the method adopted to make that public opinion effective. However, an examination of the eliminations made by different boards in the same film will suffice to show that the censors express their personal opinion and not public opinion. It is seldom that any two boards agree on the same eliminations in the same film. Therefore, it cannot be truly said that censor boards portray the opinion of the public.

The Cleveland Foundation survey in 1920 says, “Any

board of censors must not fail to touch the problem of keeping from children films which however wholesome for adults, are not proper for children." Practically all those who advocate censorship, base many of their arguments on the harm the films are doing to the child and the adolescent. Many advocate reducing all films to the child level of intelligence and comprehension. This would cut off entirely all adult patronage, and since it has been estimated that 85 per cent of the movie trade is adult, the business would, of course, be ruined, to say nothing of denying the great mass of our adult population the pleasures which they now derive from motion pictures.

#### COMPARISON OF LOCAL, STATE AND FEDERAL CENSORSHIP

It is quite generally conceded that the municipality is too small a geographical unit to properly exercise the function of censorship. This can be based almost wholly on the ground that any general adoption of censorship by municipalities would necessitate so many changes in films as they travel through the country as to discourage completely their production, or if the producers honestly tried to make all their pictures of the type that would pass all city boards, the result would be such insipid and lifeless productions that people would cease to attend the theaters. At the present time only five cities of any size have provided for local censorship—Chicago, Boston, Houston (Texas), Birmingham (Alabama), and Rochester (New York).

State censorship is by no means general but some states have tried it for long enough periods to justify the statement that it is no longer in the experimental stage. Of course if all forty-eight states were to establish boards the same condition would exist in less aggravated form, as that which would result if all the principal cities were to establish boards. There would be forty-eight possible differences of opinion as to what should and what should

not go into a given picture. This would inevitably result in chaos in the industry and yet it is unquestionably better than local censorship. It not only lessens the possible number of differences of opinion, but preserves the long established doctrine of "state's rights." The state is a convenient geographical unit for the quick handling of films. In this regard it has been pointed out as an argument against Federal censorship that the mass of films to be censored would be so great that the pictures might be kept off the market for a long time after their production awaiting the ability of the Federal censor board to get to them in the regular course of business.

The Federal censor board would do away with the criticism that the multitude of opinions under the state board system would ruin the industry. There would be just one place for the producers to look for authority to release a film. Such a board would have the prestige of the Federal government behind its decision. Four years ago a bill was introduced providing for a Federal board and extended hearings were held on the subject, but public opinion was not sufficiently aroused at the time and the bill was never reported out of the committee. Public sentiment is again leaning toward Federal censorship. A new bill has been introduced in the present session of Congress on the subject.

A Federal censor board would, of course, censor alike for north and south, east and west, white and black and for the foreigner and American-born. It is the opinion of the opponents of Federal censorship that this would result in a series of difficult situations because the problems of each community are widely different. They believe that some films which could be properly shown in one community might cause trouble if shown in another. A good example of this is "The Birth of a Nation"—a film dealing with the race problem. Such a film would cause no disturbance in the north but in the south might tend to foment race riots.



## REMEDIES OTHER THAN CENSORSHIP

There are so many remedies other than censorship that it is possible only to mention the more important in this short treatise.

The principal one is already in operation and has been since 1909. In that year was organized The National Board of Review of Motion Pictures in New York city, consisting entirely of volunteers. This board though called a national board is in no way under the control of the Federal government. The public-spirited citizens, composing the personnel of this board, review all pictures submitted to them by the producers, suggest changes where changes are necessary to protect public morals and if these changes are made, the board provides a "leader" stating its approval which is attached to the film. Their work has grown until today the Review Committee on the National Board consists of more than one hundred and forty citizens, both men and women, from all walks of life. More than 99 per cent of all the pictures produced are reviewed by the various sub-committees of the board prior to release. In addition, this committee publishes monthly a bulletin calling attention to the best releases and through an affiliated Committee on Better Films, sends out periodically another bulletin indicating which of the new releases are for the adult, which are for the juvenile and which may safely be seen by the entire family. The slogan of this organization is "Selection—Not Censorship—The Solution." Florida has so much confidence in the work of these volunteers, that only recently a law was passed prohibiting the showing in that state of any film not having the approval of the National Board of Review.

It has also been suggested from many sources that such groups as the parent-teacher associations, women's clubs, etc., could organize to inspect pictures, recommending those that were found worthy and designating certain

films for children. The Cleveland Cinema Club, organized about eight years ago, is doing this kind of work effectively. Bulletins are issued listing all the worth while releases and indicating whether the films listed are for the juvenile or for the adult. The club proceeds on the theory that by praising the good and ignoring the bad, the bad will eventually perish. Some organizations carry this system to the extent of boycotting certain specified theaters that persist in showing the wrong kind of pictures. While these various agencies do good work as far as they go, it is still questionable how broadly their influence has manifested itself.

Another plan which has been in use in different parts of the country is the selection of special programs for children. The exhibitor, under this plan, either selects or asks some civic organization or club to select for him, a complete show suitable for children. He then advertises this show to be given at a time when children can go, either in the early evening or on Saturday morning. The latter is the common practice. There are several modifications of this plan; some advocate the erection of children's theaters where no other shows will be given except those which children can properly attend; others suggest that the producer make films for use either in children's theaters or in selected programs. Germany sets aside by a law certain specified performances which children may attend. New York has a law prohibiting the attendance at motion picture houses of children under sixteen unless accompanied by a parent or a bona fide guardian. The city of London has recently passed an ordinance, which goes into effect in July of this year, requiring all shows to be marked "adult" or "universal." A child under sixteen is not permitted in an "adult" show unless properly accompanied.

Another general suggestion comes from many different sources. The public must be educated in some way to demand better and cleaner pictures. If this demand can be created in the theater-going public, the entire prob-

lem of salacious and immoral films is solved. The producer will not make pictures for which there is no demand. The box office is the producer's most effective means of knowing what the public wants. If the bad pictures are boycotted and good pictures are making money, the bad pictures will soon disappear. Human nature cannot be changed, but human tastes can be elevated.

There is probably one remedy other than censorship that stands out more prominently than all the rest—the responsibility of the parent. Most of the criticism of the modern film is based on the harm it does the children. Most of the proponents of censorship base their advocacy on the needed protection of those of tender years. The duty of the parent is clear. He should know before his child leaves home for the picture show what kind of pictures that child is going to see. He should know either because he himself has seen the picture, because it has been recommended by some one in whom he has confidence, or because it is listed as proper for the juvenile mind in the bulletin of a reputable club or society organized for the purpose of reviewing and passing judgment on pictures. It ought not to be necessary for the state to assume the duties of a parent. No parent allows his child to read books or go to plays indiscriminately. Why should he change this policy with reference to motion pictures? The report of the Cleveland Foundation for 1920 points out that the “ultimate responsibility rests with the parents to see that their children do not attend exhibitions of pictures which are not suitable for their juvenile minds.”

#### CONCLUSIONS AND RECOMMENDATIONS

Your committee has given due consideration to the facts mentioned in the preceding study. It has weighed carefully the opinions expressed, either before the committee or in the documents to which it has had reference. In every case, the source was carefully scrutinized so that



each opinion would bear its proper relation to all of the opinions taken in the aggregate.

The committee believes that censorship in principle is contrary to the spirit of the American people. Normally, we do not have it in connection with either the spoken drama or the public press. Hitherto the police power has been sufficient to guard against flagrant abuses in these two media for the expression of ideas. Realizing, however, that certain differences exist between the presentation of ideas through the picture and through either the spoken or written word, and with a particular realization of the availability of motion pictures to young people, and with a further realization that many obscene and vulgar pictures have been eliminated by boards of censorship, the committee feels that some sort of regulation should be retained, at least for the present. It is undoubtedly true that the unfortunate use of the word "censorship" has created a prejudice in the minds of many. Our actions are regulated by law in many ways and this is merely another instance where the emergency makes it necessary.

The committee believes that this function of regulation could best be exercised by the Federal government. It is to be hoped that should a Federal board be established, the states would not deem it necessary to establish their own boards in addition and that those states already having boards would eventually dispense with them as unnecessary. The states and smaller political subdivisions should rely for protection on the Federal board, except in such cases where local conditions introduce an element concerning which the Federal board has no knowledge, or can exercise no discretion. In such cases, the state or community could protect itself from the showing of an injurious film by the exercise of its local police power.

A Federal board of review or regulation should be appointed for not less than six years. It should be sufficiently large to insure a prompt review of all pictures presented but at the same time allow for the careful and thorough handling of each. No picture should be

reviewed by less than two members of the board and at least two members should concur in either passing or rejecting a film or any part thereof. If a picture is rejected in whole or in part the producer should be allowed an appeal to the whole board, a decision of the majority being final. The salaries should be sufficiently large to attract only the highest type of civic-minded men and women for service on the board. It should be made mandatory that the board license all films except those which are found to be obscene, immoral, or of such a nature as to corrupt morals or incite to crime. The following types of pictures should be exempted from the operation of the law: medical or educational films intended for use in schools, museums, etc.; films not intended to be shown to the general public, and news weeklies. The law should require the board to adopt certain published standards and regulations indicating specifically what kind of films or scenes would not be passed, this would tend to reduce materially the influence of the personal element. These standards would place the producer on notice that it is a waste of his time and capital to produce certain types of stories or inject certain kinds of objectionable scenes. Also the board should set up some means of advising the producer at the source of production, in the studio, which films in the making will meet the authorized standards and which will not. One of the protests of the producer is that under present conditions he may spend hundreds of thousands of dollars on a film which he believes to be perfectly proper, only to have it rejected by some state censor board. He does not object as much to the censoring as he does to his inability to forecast what action the censors will take. This is a valid objection and would in a large measure be overcome by the adoption of a code of standards as outlined above. The board, of course, would have power to change these standards at any time, but changes as are made should not apply to films which are already in the process of production at the time when the change in standards is made.

This provision would prevent ex post facto legislation by the board, which would do an irreparable injustice to the producer.

If such a bill were found to be unconstitutional because it violated the doctrine of states' rights, then all films would have to be excepted from its provisions except those intended for interstate or foreign shipment. Since films depend for their revenue on a wide distribution, this would make practically all films subject to the law.

Your committee believed that if such a bill became a law, the public would be amply protected from suggestive, immoral and obscene films and that, at the same time, the producer would be subject to the minimum of inconvenience and his investment would be much better protected than it is under the present multi-board system.

(Twelve members of the committee signed this report; four dissented and expressed the opinion that all censorship is unfair and un-American.)

#### MINORITY REPORT

To the Board of Directors of

The Cleveland Chamber of Commerce:

Gentlemen: We, the undersigned, respectfully dissent from the conclusions and recommendations of the majority as set forth in the above report.

We believe that the arguments presented to the committee in opposition to censorship far outweigh those presented in its favor.

In our opinion censorship is un-American and contrary to the fundamental institutions of our government; it is dangerous in that every reason for motion picture censorship applies equally to censorship of the press and censorship of the stage.

It is inconceivable that censorship can ever represent other than the views of the minority because for its very existence it depends solely on the personal opinion of the then constituted censors to determine what is proper and what is improper for the public to see.

We do not believe that any politically appointed commission should decide the morals and tastes of one hundred million people.

We believe the remedy lies in educating the public to desire the best pictures. We believe that the parent must be brought



to realize his responsibility to his child and not seek to unload on the state his parental functions.

The states and municipalities already have sufficient laws on their statute books passed under their rights of police power to adequately protect their citizens from immoral and injurious films.

The newspaper cartoon has always been a means of political propaganda. The motion picture cartoon is even now being developed. It in its turn, will become a greater medium for the spread of political ideas. The censor boards will, of course, have the right to determine what may and what may not be shown in these cartoons. This means that these boards will inevitably become the strongest political powers in the nation.

Why not constructive work to improve motion pictures instead of destructive work?

Therefore, we subscribe ourselves as opposed to any form of legalized censorship whatever.

(Signed by the Minority members of the Committee.)

May 24th, 1922.

## CONTROL OF THE MOTION PICTURES <sup>1</sup>

It is doubtful if we should expect to depend wholly upon voluntary citizen effort and interest in dealing with the motion picture business. It is a form of public service just as are the theaters, newspapers, parks, playgrounds, street cars, telephones, water supply, etc., and should therefore be handled officially by law, ordinances and official inspection. Care should be taken, however, in working out details of this control to see that the responsibility is placed squarely upon the business itself to produce a commodity that shall be beneficial to the public and as free as possible from anything harmful. That in substance is the problem. Volunteer citizen cooperation will probably continue to be needed in reflecting public opinion, assisting in checking up on compliance with official regulation, and in stimulating and developing the non-theatrical use of motion pictures. There would seem, however, to be no doubt about the desirability of some definite form of government organization.

<sup>1</sup> By Charles N. Lathrop. Excerpt from "The Motion Picture Problem," by Charles N. Lathrop. Published by the Federal Council of the Churches of Christ in America. New York, 1922.

As the exhibitor—the local “movie” house manager—is the visible contact point of the motion picture industry with the public, the tendency is to think of him at once as the one to be brought under government control. Although he must operate under definite regulation with respect to seating, lighting, sanitation, fire prevention, admission of children, type of program, etc. to place the entire responsibility upon him for the character of the pictures shown would be like cleansing the stream at its mouth instead of at its source. The other agencies in the motion picture business, the producer and the distributor, must be regulated if any real improvement is to be brought about. That is why the National Board of Review operates primarily with the producers.

Until recently most exhibitors subscribed for service from the exchanges—the distributors—and used what was sent to them without the opportunity to see the pictures in advance or even to select by title. This condition is gradually changing so that exhibitors are given more freedom in selecting pictures that will meet the requirements of their respective audiences. The larger motion picture houses select with great care well in advance of showing and plan their music and other accessories to the minutest detail.

The scenario writing is a very important factor in determining the character of motion pictures. The producers have been severely criticised for spending so much money for star actors and actresses and so comparatively little on the preparation of their scenarios, thus not securing the services of competent, high-grade people. The criticism of scenarios before production has been tried, but without much success. So much depends on the staging of the pictures and the details of acting that a picture may be made or marred in the production process. However, the subjects treated and the conduct and personal standards of the characters that are to be portrayed are

important considerations. The chances for getting a decent picture from the story "Lavender and Old Lace" are much better than from "Tarzan of the Apes."

After a picture is completed the expense involved in making changes is an important item to consider. Destroying film and re-staging scenes is costly, to say nothing of the financial loss incurred when an entire picture is barred from circulation. In voluntary review or censorship there develop at once very real limits to which an organization can go in vetoing pictures or parts of pictures and still retain the cooperation of the producers. Cutting out an objectionable scene may mean a serious break in the story or the restaging of the entire part. Revision of subtitles sometimes will so change the dramatic situation as to eliminate an objectionable feature. This is a simple matter from the standpoint of expense.

The Motion Picture Association proposed some time ago to furnish competent and technically experienced men who were in touch with public sentiment through citizen agencies, to sit in with stage directors of the producing companies and offer constructive criticism while the scenes were being arranged and photographed. A number of practical difficulties have interfered with the functioning of this plan.

Individual judgment of motion pictures varies so greatly on account of personal tastes and environment that it is difficult to get even a small group to agree on the probable influence of a picture, to say nothing of making the action of either voluntary or official committees satisfactory to the public at large. One would expect that high-minded people would readily agree as to whether a picture was a proper or an improper one for public consumption, but in actual practice we find the sharpest differences of opinion. Then, too, pictures that may be entirely without offense to people accustomed to the life of a large city or a bathing beach resort might easily be highly objection-



able to an audience in a rural community or an inland town. The best that it seems possible to do is to lay down broad standards of judgment with such specific illustrations as may be possible, and endeavor to get producers to observe them as faithfully as possible in selecting scenarios and staging their pictures.

The "thirteen points" recently stated by a group of producers as the standards to which they propose to adhere are an attempt in that direction. These points are based upon detailed standards developed by The National Board of Review in their work with producers during the past several years. Briefly stated, they exclude pictures

1. Which emphasize and exaggerate sex appeal or depict scenes therein exploiting sex in an improper or suggestive form or manner.

2. Based on white slavery or commercialized vice or scenes showing the procurement of women or any of the activities attendant upon this traffic.

3. Thematically making prominent an illicit love affair which tends to make virtue odious and vice attractive.

4. Which exhibit nakedness or persons scantily dressed, particularly bedroom and bathroom scenes and scenes of exciting dances.

5. Which unnecessarily prolong expressions or demonstrations of passionate love.

6. Predominantly concerned with the underworld or vice and crime and like scenes, unless the scenes are part of an essential conflict between good and evil.

7. Which make drunkenness and gambling attractive or with scenes which show the use of narcotics and other unnatural practices dangerous to social morality.

8. Which may instruct the morally feeble in methods of committing crime or by cumulative processes emphasize crime and the commission of crime.

9. Which ridicule or deprecate public officials,

officers of the law, the United States army, the United States navy or other governmental authority, or which tend to weaken the authority of the law.

10. Which offend the religious belief of any person, creed or sect or ridicule ministers, priests, rabbis, or recognized leaders of any religious sect, and also which are disrespectful to objects or symbols used in connection with any religion.

11. Which unduly emphasize bloodshed and violence without justification in the structure of the story.

12. Which are vulgar and portray improper gestures, posturings and attitudes.

13. Salacious titles and sub-titles in connection with their presentation or exhibitions of films, and the use of salacious advertising matter, photographs and lithographs in connection therewith.

Our thinking on the standards that should be applied in making motion pictures is somewhat clouded by the feeling that the interests of children and young men and young women who make up a considerable part of most motion picture audiences should in some way be safeguarded. In spite of the efforts of local organizations to furnish special programs for children, many will continue to attend the regular motion picture shows, and even if small children are barred by strict enforcement of regulations governing the attendance of those under specified age, the adolescent boys and girls will attend. What about them? Should all pictures be brought to the level of their needs? Even if we should agree that this should be so, there would be great difficulty in reaching an agreement on standards to be followed. Possibly a fair application of the thirteen points stated above would approximate what is desirable. It is surprising how we differ in our judgment of what is proper or improper for boys and girls to see, hear and read. A father with the best ideals and personal standards took his fifteen-year-

old daughter to see "Damaged Goods." She was shocked and hurt by what she saw, and some of his friends were greatly surprised that he should have taken her. He contended that the picture in its horrible details drove home a lesson that boys and girls might better get from the motion picture screen than from personal experience. Here we touch one of the vigorously debated points in the function of motion pictures. Shall the motion picture show be limited to furnishing entertainment only, and is that what people pay their money to get; or may they properly attempt to educate their audiences and exert an influence in the promotion of standards of morality? The motion picture industry contends that it should be no more restricted in this than is the stage, which claimed as one of its proper functions the dramatic presentation of the great truths of life and personal conduct.

The April, 1921, issue of "Social Hygiene" prints the results of a study by Dr. Karl S. Lashley and Dr. John B. Watson of the Psychological Laboratory of Johns Hopkins University on the influence of motion pictures on young men and women with reference to matters of sex. Although this study is largely limited to "certain motion picture films used as a propaganda in venereal disease control," nevertheless the report has a direct bearing upon the questions arising out of the effect upon both young people and adults of many of the problem pictures that appear upon the screen. From the conclusions of this study, which are given in great detail, it appears that in audiences restricted to one sex, no ill effects were noticeable, but after showings to mixed audiences "there was a strong tendency toward flippant discussion and innuendo between boys and girls." These observations are borne out by written answers to questionnaires used extensively among the approximately five thousand people studied. The mixed audience is, of course, the



only audience with which we are concerned in a discussion of motion picture shows.

It is not difficult to understand why official censorship—local, state or national—has been favored by many people as the best solution of the motion picture problems. It seems so direct and final, and it is assumed that it will relieve the public of all further responsibility in the matter. During the legislative season of 1921, motion picture censorship bills were introduced in thirty-two states. State censorship was already in operation in four other states—Ohio, Pennsylvania, Maryland, and Kansas. The discussion of the bills attracted nation-wide interest, and feeling for and against these measures ran high. As might have been expected, the motion picture interests, especially the producers and distributors, lined up against this proposed legislation. The exhibitors might have been expected to favor it, as it would tend to relieve them of all responsibility to the public for all pictures shown, but they saw at once that the heavy toll of expense exacted by state censorship boards would automatically be passed along to them and that they in turn would need to get this money from their patrons, thus increasing the admission prices already inflated by war tax charges. It was even suggested that the posted admission price schedules might well indicate the amount for straight admission, the amount for war tax, and the amount to cover censorship costs. The exhibitors also feared a falling off in attendance as a result of showing pictures that had been passed upon by a censorship board and pronounced entirely proper for mixed audiences of both old and young that attend motion picture shows. They were practically unanimous in opposing official state censorship.

Many of the citizen agencies that had been working for better motion pictures were unwilling to endorse the principle of official censorship and threw their influence against the censorship bills. Others

quite as vigorously supported them. The result was a rather worth-while educational campaign on the whole subject of public amusements. From a fairly general favoring of the censorship bills at the outset, the pendulum of public opinion swung in the opposite direction as the discussion progressed and the undesirable aspects of censorship became apparent.

The final action in the thirty-two state legislatures was the defeat of censorship in twenty-nine states, the authorizing of censorship boards in two states—New York and Massachusetts—and the passage of a makeshift measure in one state—Florida—by which it was provided that only such pictures as had been passed by the National Board of Review and the New York State Motion Picture Commission could be shown. Several states passed substitute measures making it a misdemeanor to exhibit motion pictures that are obscene, indecent, or detrimental to the morals of the community. One of the most practical of these is that passed by the North Carolina legislature after an extended discussion of the whole subject. It reads as follows:

That if any person, firm or corporation shall, for the purpose of gain or otherwise, exhibit any obscene or immoral motion picture, or if any person, firm or corporation shall post any obscene or immoral placard, writings or pictures or drawings on walls; fences, billboards or other places, advertising theatrical exhibitions or moving picture shows, or if any person, firm or corporation shall permit such obscene or immoral exhibition to be conducted in any tent, booth or other place or building owned or controlled by said person, firm or corporation, the person, firm or corporation performing either one or all of the said acts shall be guilty of a misdemeanor and punishable in the discretion of the court. That for the purpose of enforcing this statute any spectator at the exhibition of any obscene or immoral moving picture may make the necessary affidavit upon which the warrant for said offense is issued.

(Enacted 1921.)

Many states have similar laws which, if properly enforced, would no doubt go far toward dealing with

the situation at which state censorship measures are aimed.

The chief provisions of the five state censorship laws now in operation (Maryland, Ohio, Pennsylvania, Kansas, and New York) are given below:

#### COMPOSITION

##### MARYLAND

Three residents and citizens of the state, one of whom shall be a member of the political party polling the second highest vote at the last general election prior to their appointment, well qualified by education and experience to act as censors. One member shall be chairman, one member shall be vice-chairman and one member shall be secretary.

##### OHIO

Created under the authority and supervision of the Industrial Commission. Three persons shall constitute board—secretary of Industrial Commission shall act as Secretary.

##### PENNSYLVANIA

Three residents and citizens of Pennsylvania, two males and one female, well qualified by education and experience, to act as censors. One male shall be chairman, the female vice-chairman, and one male secretary.

##### KANSAS

Three resident citizens of Kansas, well qualified by education and experience to act as censors.

##### NEW YORK

Motion Picture Commission—three commissioners, one designated chairman and one secretary. Each of the commissioners shall be citizens of the United States States with qualifications by education and experience for the duties of office.



## TERM OF OFFICE

## MARYLAND

Three years (those first appointed for three, two, and one year respectively, the respective terms to be designated by the governor).

## OHIO

Three years (those first appointed for three years, two years, and one year, respectively, appointed by the Industrial Commission with the approval of the governor).

## PENNSYLVANIA

Three years (those first appointed for three years, two years, and one year respectively, the respective terms to be designated by the governor).

## KANSAS

Three years (those first appointed for three years, two years, and one year respectively, the respective terms to be designated by the governor).

## NEW YORK

Five years (commissioners first appointed shall continue until the last days of 1922, 1924, and 1925 respectively, term of each to be designated by the governor).

## APPOINTMENT

## MARYLAND

By the governor, by and with the advice and consent of the Senate.

## OHIO

By the Industrial Commission with the approval of the governor.

## PENNSYLVANIA

By the governor.

## KANSAS

By the governor. The governor at his pleasure may remove a member of said board for incompetency or neglect of duty.

## KANSAS

By the governor, by and with the consent of the Senate. May be removed by the governor (after notice and opportunity to be heard) for inefficiency, neglect or misconduct.

## SALARIES

## MARYLAND

(Before entering upon their duties each shall enter into bonds to the state in the sum of \$3,000.) \$2,400 per annum for each member.

## OHIO

\$1,500 per annum. (Such salary and expenses shall in no case exceed the fees paid to the Ohio Board of Censors for examination and approval of moving picture films).

## PENNSYLVANIA

(The chairman, vice-chairman and secretary shall, before assuming the duties of their respective offices, take and subscribe the oath prescribed by the Constitution of Pennsylvania, and shall enter into bonds to the Commonwealth in the sum of \$3,000, \$2,500, and \$2,400, respectively.) Chairman \$3,000 annually; vice-chairman \$2,500 annually; secretary \$2,400.

## KANSAS

Chairman, designated by the governor, give bond in the sum of \$3,000 with security to be approved by the governor. Chairman \$1,800 annually; other members \$1,500 each annually together with such necessary travelling expenses incurred in carrying out the provisions of this act.

## NEW YORK

Each commissioner \$7,500 annually. (The members of the commission shall be allowed all expenses actually and necessarily incurred.)

## FEES

## MARYLAND

For examination of each film, reel or set of views, the board shall receive in advance a fee of \$2 and \$1 for each duplicate or print thereof.

## OHIO

The board shall charge a fee of \$1 for each reel of film to be censored which does not exceed one thousand lineal feet, and \$1 for each additional one thousand lineal feet or fractional part thereof.

## PENNSYLVANIA

For the examination of each film, reel, or set of views of one thousand two hundred lineal feet, or less, the board shall receive, in advance, a fee of \$1, and \$1 for each duplicate of print thereof.

## KANSAS

For the examination of each film the board shall receive, in advance, a fee not to exceed \$2 for each reel approved or censored, whether original or copies. The board shall have authority to reduce from time to time, the examination fee below the maximum aforesaid, if and when the fees collected shall be more than sufficient to pay all the salaries, charges and expenses connected with the carrying out of the provisions of this act.

## NEW YORK

The commission shall collect from each applicant for license or permit \$3 for each one thousand feet or fraction thereof of original film and \$2 for each additional copy.



The chief arguments that were used for and against state censorship of motion pictures are here given in brief:

#### FOR CENSORSHIP

To protect the child from the shock due to witnessing violence and gruesome details of crime, and to avoid encouragement to emulate evil examples.

To protect the adolescent and undeveloped mind from suggestions of evil and violence.

To do away with constant reiteration of criminal themes.

To prevent use by producers of situations which contain attractive dramatic situations but which leave on the public a low moral influence.

To protect religious groups and officials such as police, etc., from derision.

To eliminate suggestions from films which might give wrong impressions to foreigners.

To do away with the possibility of display of low films in poorer sections.

To prevent vulgar comedies.

To lessen emphasis on sex themes.

To lessen the use of the domestic triangle.

Present laws governing the display of obscene or immoral entertainment, etc., not adequate because not properly enforced, and in some cases not interpreted to cover motion pictures.

#### AGAINST CENSORSHIP

It is un-democratic.

It is un-American.

It is impossible for state and Federal censorship boards to meet local conditions.

It would delay releases.

The cost to the public would be increased.

Political perversion of censorship privilege would be possible.

Set rules laid down by law do not allow interpretation according to immediate problem.

It affords opportunity for graft.

Application of formal standard results in ridiculous and unjust eliminations and restrictions.

Separate local and state boards cause duplication and increased expense to the public.

Probable tendency on the part of producers to make up films with very obvious faults in order that there may be something to delete.

Censorship transfers responsibility for clean pictures from the producer and exhibitor to the censorship board.

State boards take away local authority.

Impossible to make all films suitable for children, as adult entertainment cannot be placed on the level of the child's mind.

Motion pictures should be regulated as books and theaters are regulated.

It imposes special and unjust restriction upon this means of publicity.

Some of the means other than censorship that are being considered and that might be put into operation to good advantage are given in brief form below :

Licensing producers and distributors for carrying on business through interstate commerce, and licensing the local exhibitors under the usual regulations governing public amusements.

Organization of local clubs, church organizations, etc., to make sure of enforcement of existing laws.

Familiarizing the local exhibitor with the kind of picture desired in his neighborhood.

Organization through women's clubs particularly to give publicity to type of film desired in order to encourage exhibitors in the display of good pictures.

Organized effort to investigate and force theaters in cheaper districts and foreign settlements to keep up a high standard of film.

Organization to have children attend shows on certain nights and matinees and in this way make it worth the exhibitor's while to show films adapted for children at those times—then at other periods show any films that would be considered more essentially adult in their interest.

Formation of citizen committees to serve as advisory boards to study and work out local plans for amusement regulation, this particularly in smaller towns.

Interesting press to give space to reviews of films where they have several days' run.

Exhibitors to make public in advance summaries of films.

Newspaper and billboard advertising to be carefully watched by either citizen committee or police authorities.

Regular inspectors to look out for the physical cleanliness and proper sanitation and lighting of theaters and citizen groups to organize to check up on the type of films shown.

Greater publicity given to the lists of commendable pictures issued by the Committee for Better Films. Local group request their exhibitors to use these films.

A plan of control that is favored by some who have made a careful study of the whole matter embraces the following specific types of Federal, state and local legislation:

1. Federal licensing of motion picture producers and distributors to do business through interstate commerce and a specific definition in connection with the granting of the license of all kinds of motion pictures that they would not be permitted to transport. Suspension or revocation of license and confiscation of films should be the penalty for transporting pictures that, in the judgment of the courts, are in violation of the conditions under which the license is granted.

2. State laws making it a misdemeanor, with adequate penalties, to exhibit motion pictures that in the



judgment of the courts are obscene, indecent and detrimental to the morals of the people.

3. Local licensing of exhibitors under regulations that would make possible the canceling of licenses if the exhibitors persist in holding exhibitions that are detrimental to the welfare of the community.

This would discourage the production of questionable pictures, as the producing companies would not care to take the chance of losing their licenses or having their productions barred from interstate commerce. The exhibitor would be placed on his guard against committing a misdemeanor by exhibiting any unlawful picture and of losing his local license to carry on business. Suspension and possible revocation of licenses is a much more effective deterrent than the imposing of a fine.

There is evidently much to be said in favor of placing the burden of proof squarely upon the motion picture producers, distributors, and exhibitors for carrying on their business in such a way that it shall not be detrimental to the public. When censorship boards are established to pass upon each picture produced and to say whether or not it may be exhibited, the responsibility is at once shifted from the motion picture industry to the official boards.

The usual procedure in governmental control is to define the conditions under which the special kind of business or public service may be carried on and to definitely state the standards that must be maintained in the quality of the commodity to be offered for public consumption. The person or firm proposing to do business accepts these prescribed conditions and is granted a permit or license to operate within the stated limits. Failure to live up to the terms of the agreement may result in a fine being imposed or the suspension or revocation of the permit to do business. This places the responsibility where it belongs, squarely upon the individual or firm conducting the business. In case either party to the contract feels that injustice is being done, there is always the

orderly procedure of recourse to the courts for proper adjustment, thus insuring fair treatment for all concerned. The only prior consideration is the necessary supporting legislation in the form of Federal and state and local city and village ordinances.

Why not follow this generally accepted governmental procedure in dealing with the motion picture business?

### MORALS AND THE MOVIES <sup>1</sup>

When I think of a "censor" I think of an aged man in a tile hat and a tight coat, buttoning black silk gloves around his wrists as he hurries from a theater to summon the reserves. Here, however, is a professional censor who doesn't answer this description. Mr. Oberholtzer is secretary of the board that sits in judgment on the movies in Pennsylvania. But he is not a born censor like Mr. Sumner and the Reverend Dr. Straton. He is an ordinary author who became a censor accidentally, one day when the Governor's office got him on the wire. And he is still enough the author, and little enough the orthodox censor, to remark:

I have been described as an old man who never put his foot outside his native town. My beverages, I learn from the film newspapers, are lemonade and tea. My pursuit in hours not given to official duty is knitting. I am a disciple of Anthony Comstock, a prude, a fanatic, a moralist, a bigot. Ladies may not smoke cigarettes in my presence; no kiss may be longer than five feet.

As you read, you come to the conclusion that here is a defence of censorship written by a human censor. It is an easy book to read. Mr. Oberholtzer lapses occasionally into the jargon of the Blue Law bitter-ender, but on the whole his book is freshly written. It starts with a survey of that large school of moving picture manufacturers whose creed is to arouse a prurient curiosity on the

<sup>1</sup> By Charles Merz. *New Republic*. 33: 179. January 10, 1923. A review of *Morals of the Movies*, by Ellis Paxson Oberholtzer. Penn Publishing Company. Philadelphia.

part of the weak-minded. For a sensation-jaded public they work feverishly to produce "something unusual," "something different." It is a contest in noise, and each new film must outshout its predecessor. "I sometimes think," says Mr. Oberholtzer, "that the picture has reached the screaming stage." He reviews plots struggling to be sinful. He cites instances of pathetic labor for the all-important "sex lure": Tennyson's *Maud*, for instance, rechristened on the screen as *Naked Hearts*. He lists a few months' run of thrillers: *The Beast*, *The Hell Cat*, *The She Devil*, *The Scarlet Woman*, *The Sin Woman*, *The Scarlet Sin*, *The Mortal Sin*, *Sins of Parents*, *Sins of Mothers*, *Sins of Fathers*, sins visited upon the children even unto the third and fourth generation. He walks you not down Broadway, with its well-mannered comedies and billion-dollar pageants—but along Ninth Avenue, aflame with tawdry lithographs and reeking with cheap vice.

Mr. Oberholtzer thinks there is more of this Ninth Avenue than those of us on Broadway ever realize. He sees these "sin" pictures as "deteriorating and destructive factors." Especially are they dangerous, he thinks, because they present ideas "in a form which all but the smallest child can unmistakably understand." I am no friend of the censor, as such," he declares. "But here are exceptional needs to cover exceptional cases." It is hopeless to expect the public to guard its morals for itself—because "we all know that for one person with a responsible social sense there are fifty who have none." Consequently there must be some socialized control. "We are entitled to some assurance that sex shall not be set before us in ugly forms. . . . Sugary, ladylike film, warranted not to hurt the littlest child, is not what any of us ask for. We wish simply that it shall be decent, as decent as the life around us." Nor is control of this sort an assault on freedom. "I find nothing strange in such an exercise of power . . . that someone, seeing all from a height and representing the common interest, should have



an editor's powers over what in film output shall appear to contravene public policy."

This is Mr. Oberholtzer's argument, the wise man as his brother's keeper. It is an argument presented from the layman's point of view, and in certain places it is well documented. And yet, from a partisan so reasonable and a crusader so in earnest as Mr. Oberholtzer, I find myself expecting a good deal more on several points.

Nowhere in this book is there a real attempt to answer the fundamental counter-argument against the whole theory of a censorship: the argument that censorship costs more in surrendered intellectual freedom than it can possibly save in any theoretic check upon "temptation"—and, meantime, that it may actually whet an interest in the very "evils" it struggles to suppress. Mr. Oberholtzer may disbelieve in both these points; but he is not convincing when he overlooks them. That is what he does consistently—though on one occasion he comes perilously close to bumping into half the argument when he notes the fact that forbidding a picture in one state often "lengthens the queue in front of the ticket window" in the next.

Suppose, however, that we admit the need of some sort of censorship; a large question still remains in deciding what sort of censorship it should be. Mr. Oberholtzer himself believes that the movie's one-night stand, plus the inadequacy of local methods of police inspection, make censorship *before* exhibition "the only practical plan of dealing with the subject." That may be true. But the difference between censorship *before* exhibition, coming from a board enthroned on high, and punishment *after*, when the picture has had its test before the public and the courts, is so fundamental in any conception of supervision over public morals that Mr. Oberholtzer owes it to his text to furnish more conclusive evidence than he has summoned in this volume.

Finally, granting that we are going to have just this kind of censor, even then Mr. Oberholtzer pays scant at-

tention to the problem of instructing him. He should "see all from a height" and "represent the common interest." But those are vague commands. Censorship before the act is necessarily a personal equation. It happens, for instance, that Mr. Oberholtzer's Pennsylvania board rules out as objectionable such things as "lingerie displays" and "pocket-picking," "birth control" and "theft of handbags;" another board might not agree. The Pennsylvania law leaves everything in the hands of the administrator, ruling simply that the board of censors shall disapprove "such films as are sacrilegious, obscene, indecent or immoral, or such as tend, in the judgment of the board, to debase or corrupt morals. . . ." All censorship laws read that way. And the latitude of possible interpretation, with its chances of stupidity and petty tyranny, is simply terrifying.

### ABSURDITY OF CENSORSHIP<sup>1</sup>

The absurdity of censorship lies mainly in its application. Only the highest quality of intellect and understanding is capable of acting as a censor, and it is obvious that no man or woman of fine intelligence will act in any way as a censor of the arts; therefore such activity is left in the power of those individuals who have little, if any, sense of value in literature, drama, and art generally. Certainly if there has ever been any doubt of the truth of this contention it has been recently dispelled by the printed statements of certain men who are trying to organize a board of censorship over literature and drama. Some of their opinions on books would put a school boy to shame. "The difficulty with censorship," states an editorial in the New York Sun, "is that it can accomplish nothing which cannot be just as well accomplished without its help." This is a truth which can be understood by anybody. No man or committee of men is qualified

<sup>1</sup> By Horace B. Liveright. *Independent*. 110: 192-3. March 17, 1923.

either by nature or education to decide whether a book is indecent or not. The social judgment is necessary and this can only be had from a widespread public opinion.

Unlike many of the men whose absurd opinions are now breaking out publicly, every publisher knows the exact difference between frankness and obscenity, and he functions according to his understanding of this. The editorial minds in any publishing house are severe and competent censors, but they judge only by intelligent standards. In a book they demand, as H. L. Mencken puts it," that it be dignified in conception, artistically honest, faithful to life and fine in workmanship. "There is nothing pornographic in any work of literature, or even such books as can hardly be classified as literature. Pornographic books have been issued, but they are manufactured by obscure printers, in Europe and America, and are sold by peddlers; they are not issued by publishers or by reliable printers. Like a thief, they usually work in the dark and can seldom be reached by censors or anti-vice societies, and then only by accident. Their discovery is difficult, though they existed for hundreds of years and I am reliably informed that they exist today.

Certain facts of life exist, and their relation to other facts and to human behavior can only be expressed through the medium of words. These words and their meanings being part of our common tongue are printed in the dictionary. Let us then begin by confiscating all such dictionaries which have illicit words and definitions printed in them, for it is the use of these ideas by authors which make a book obscene. They create situations which offend these morality mongers, who possess an incurable inferiority complex.

Certain fiction, which seems to be the principal object of attack today, expresses itself according to the contemporary interpretation of science, abnormal psychology,



psycho-analysis, and other methods of study of human behavior. Art and mind are always in process of change; a new age had a new literary and philosophic expression. But this affects only the intelligent minded; never the ignorant. Good art lives and bad art dies, that is all we know; and intelligent Americans are as capable of appreciating this fact as any other people. There is only one test and that is the test of intelligence, though a work may not be good art and yet have a useful or entertaining place in the world. "Obscenity—the word already vague enough after such repeated use—would come to mean little or nothing if the people who most fear this have their way, it is a word that will be so quickly diluted and enlarged as to drown all literature." (The New Republic, March 7).

Frankness in literature relating to sexual matters never corrupted or depraved anyone, adult or child. It is difficult for some people to realize this, but any judge of a criminal court should know what every student of life and society knows, viz.: that the so-called depraved or vicious classes or types have no contact whatever with literature beyond the daily newspaper. This is so well known that it has become a platitude. We may become depraved by, or vicious by, economic or physical conditions, but certainly not by literature.

That very wise man, Lord Macaulay, stated the matter for all time in his famous essay on the Restoration Dramatists:

We cannot wish that any works or class of works which has exercised a great influence on the human mind, and which illustrates the character of an important epoch in letters, politics, and morals, should disappear from the world. If we err in this matter, we err with the gravest men and bodies of men in the empire, and especially with the church of England, and with the great schools of learning which are connected with her. The whole liberal education of our countrymen is conducted on the principle that no book which is valuable, either by reason of its excellence of style, or by reason of light it throws on history, polity, and manners of nations, should be withheld from the student on account of its impurity. The Athenian comedies in

which there are scarcely a hundred lines without some passage of which Rochester would have been ashamed, have been reprinted by the Pitt Press and the Clarendon Press, under the direction of Syndics and delegates appointed by the Universities, and have been illustrated with notes by reverend, very reverend, commentators. Every year the most distinguished young men in the kingdom are examined by bishops and professors of divinity in such works as the *Lysistrata* of Aristophanes and the sixth satire of Juvenal. There is certainly something a little ludicrous in the idea of a conclave of the venerable fathers of the church praising and rewarding a lad on account of his intimate acquaintance with writings compared with which the loosest tale in Prior is modest. But, for our own part, we have no doubt that the greatest societies which have directed the education of the gentry have herein judged wisely. It is unquestionable that man whose mind has been thus enlarged and enriched is likely to be far more useful to the state and to the church than one who is unskilled, or little skilled, in classical learning. On the other hand we find it difficult to believe that, in a world so full of temptation as this, any gentleman whose life would have been virtuous if he had not read Aristophanes and Juvenal will be made vicious by reading them.

The virtue which the world wants is a healthful virtue, not a valetudinarian virtue; a virtue which can expose to the risks inseparable from all spirited exertion, not a virtue which keeps out of the common air for fear of infection, and eschews common food as too stimulating. It would indeed be absurd to attempt to keep men from acquiring those qualifications which fit them to play their part in life with honor to themselves and advantage to their country, for the sake of preserving a delicacy which cannot be preserved, a delicacy which a walk from Westminster to the Temple is sufficient to destroy.

A censorship over literature and the other arts is stupid, ignorant, and impudent, and is against the fundamental social principles of all intelligent Americans. There is no place for such crudity in our present civilization, and even the most conservative press and individual opinion have expressed themselves against it most emphatically. Who is really in favor of it?

### LET GEORGE DO IT<sup>1</sup>

Many people feel that something ought to be done about the screen, and, having the impulse to do some-

<sup>1</sup> From the New York Times. March 13, 1921.

thing, jump at the thing that seems most obvious and easy. Thus they satisfy the demand for action arising within themselves, and are permitted to rest in peace, even if nothing is accomplished. It is a well known psychological fact that human beings often act subconsciously for the sake of the satisfaction they derive from the sensation of acting rather than for the accomplishment of the object which they honestly think is their sole concern. That's why there is so much unreasoned activity in the world, and doesn't it explain a large part of the most sincere effort for motion picture censorship?

If a person subjects his impulse to do something about the screen to the direction of reason, will he have any faith in state censorship? Can he find any evidence that the censorship of books, the stage or the screen has ever done any good? Will he not discover that censorship has always done more harm than good? Let him examine the evidence and he will see that it is all against censorship, and if he looks behind it he will see why.

In the first place, censors are political appointees and politics frequently plays a part in their decisions. Social and economic bias is a factor, too, and religious and provincial prejudices are always strong in censors. Also, it is less majesté to suggest that corruptions, more or less disguised, might sometimes influence them. Does any one really expect great wisdom in censors? And yet they must be exceedingly wise if they are to do what many people expect of them.

To face the issue squarely, let any ordinarily intelligent and informed man or woman first imagine what censors ought to do and then try to imagine them doing it. He or she could scarcely be called a cynic if the second mental effort failed to reproduce the image of the first.

It is true that censorship in New York, say, might prevent the exhibition of some pictures dealing



deleteriously in "vice," "crime" and "sex," but these words are quoted here because they are *tags* that would be attached to *good photoplays as well as bad* to exclude the one as effectively as the other. Also, countless pictures as evil in their influence as any would escape tagging and gain power by the fact of their licensing. *Such has been the way of censorship* wherever it has been tried.

And the *censors could not touch* the thousand and one films that annually corrupt public taste, inculcate false ideas of life, give charlatanry the voice of authority, spread misinformation about scientific facts and theories, and put the stamp of approval on conduct, manners and customs far below the standards accepted by every person of intelligence and refinement. Look at the motion pictures you see. How many of them deal in melodramatic absurdities, romantic tommyrot and moral buncombe? How many of them parade parvenus as socially perfect, glorify crude bipeds as noble heroes and heroines, offer mechanical puppets as logical human beings? What censor would exclude a picture because its hero was a fool or its heroine a senseless manikin? What censor would deny public exhibition to a picture because it brought nothing of truth or beauty to the screen while pretending to bring both? What censor would bar a picture because its only effect would be to discourage the reading of good books and the witnessing of good plays? What censor would insist that a photoplay contribute to the artistic wealth of the people rather than increase their cultural poverty? And are not pictures that degrade the mind and corrupt the emotions as bad as any?

The truth of the matter is that people get the kind of pictures, as well as the kind of government, they deserve, and unless they have the intelligence and the will to exert themselves and create a demand for better pictures they won't get them. Those who

wish to do something about motion pictures need not be idle. They can *form groups and committees to foster a demand for better pictures*. Communities where a reasonably high average of education and morality prevails can organize to support the theaters showing the kind of pictures most nearly approaching what they desire and to boycott those houses that feature trash. In sections where some uplifting agency is needed, settlement and neighborhood houses, for example, can do much toward educating the people to want better pictures and seeing to it that they get them. And everywhere people can institute *separate shows for children and adults*, getting away from the preposterous idea that all motion pictures must be suitable for immature minds. *Individual parents* can cease to shirk their own responsibilities and abandon the vain hope of passing on to the state what is bound to remain undone unless they do it themselves.

People can do all of these things, but it is probable that they won't if censorship comes as a deluding panacea to relieve men and women only too glad to escape trouble of the feeling that they must do something. They will say, "Let George do it," and George will be impotent.

But, some may say, this proposed remedy is tremendously difficult, relentlessly exacting, painfully slow. It is. But does that prove that censorship will easily, leniently and speedily accomplish the same result? Because a doctor cannot prescribe a comfortable and quick remedy for a deep-seated ailment, should the patient take the nostrum of a quack? It's better to do nothing at all than something that will do more harm than good.

The above article expresses so admirably the aims and position of the National Board of Review of Motion Pictures, that it is pertinent in connection with this article to answer the question—

## WHAT IS THE NATIONAL BOARD OF REVIEW?

The National Board of Review was organized in 1909 at the request of the then Mayor of New York, Hon. George B. McClellan, who, acting on the suggestion of the New York city motion picture exhibitors, requested the People's Institute to organize a citizens' committee for the review of motion pictures. A committee of thirteen was appointed by Charles Sprague Smith, at that time Director of the People's Institute.

The national board is now composed of one hundred and sixty-eight members, of whom one hundred and forty are assigned to the Review Committee and twenty-eight act on the General Committee. The Review Committee is divided into sections, each section meeting one morning or afternoon during the week. Regularity of attendance is one of the requirements of membership. The General Committee is the governing body and court of appeal. It usually meets once a week, sometimes oftener, reviewing pictures which have been appealed by either the minority members of the Review Committee or the producer or regarding which when exhibited in the theaters there appears divided public opinion.

No person in any way *connected* with the motion picture industry is permitted to serve on the National Board of Review. All applications for membership are passed upon by a committee of five chosen from the General and Review committees. No persons acting upon the national board receive *any compensation* whatsoever for their services, the members paying their own expenses even to carfare to attend meetings. The secretarial staff and office assistants *are paid* employees of the national board, responsible to the board's executive committee. They have no vote upon the pictures under consideration and no voice in establishing the policies or standards of the board, all decisions on pictures and policies being made by the



volunteer members who give their time and services in the public interest.

The decisions of the national board are conveyed to city officials in the leading cities of thirty-eight states through the medium of a bulletin issued each Saturday. The local officials charged with the regulation of commercial amusements, which includes the licensing of motion picture theaters, conduct a local inspection of the pictures reviewed by the national Board and check up to see that the required changes have been faithfully carried out.

The members of the national board in passing upon pictures also mark whether suitable for family entertainments, special young people's performances, church or educational use. The board issues monthly and weekly lists of the pictures thus selected, a bulletin of critical reviews of "exceptional photoplays," a monthly magazine of information for those concerned in the use of worth-while pictures, and various pamphlets on the Better Films Movement, methods of regulation, the question of censorship and the activities of the board in general.

The national board is financed by levying a tax on the producers for each reel of film reviewed. In addition to the funds derived from this tax, the majority of municipalities receiving the board's bulletin service pay for the expense of issuing the bulletin. The board also derives an increasing revenue from the sale of its lists and literature, and receives contributions for the support of its work from public spirited citizens who are interested in preventing the enactment of censorship laws which would hamper and restrict this important medium of expression, but who are anxious that motion pictures be maintained as a clean and wholesome form of amusement.

The national board still functions under the auspices of the People's Institute and continues to con-

duct its general educational campaign emphasizing the responsibility of parents to discriminate in the types of pictures they allow their children to see, advocating the enactment of local ordinances for the regulation of questionable advertising, and conducting its educational work against censorship in the belief that legalized censorship of motion pictures is abhorrent to the principles of freedom upon which the United States were founded.

### AIMS AND ACTIVITIES OF THE MOTION PICTURE PRODUCERS AND DISTRIBUTORS OF AMERICA, INC.

On July 12, 1922, a committee of the Cleveland, O., Chamber of Commerce closed its report on the censorship of motion pictures as follows:

Early in 1922 the producers and distributors of motion pictures, realizing that the moral tone of their productions must be raised in order to retain continued public approval, organized an association known as Motion Picture Producers and Distributors of America, Inc. Mr. Will H. Hays, then Postmaster-General, resigned his portfolio in the Cabinet and became President of this new organization. Its purpose, set forth in its Articles of Association, is as follows:

"The object for which the corporation is to be created is to foster the common interests of those engaged in the motion picture industry in the United States, *by establishing and maintaining the highest possible moral and artistic standards in motion picture production*, by developing the educational as well as the entertainment value and the general usefulness of the motion picture, by diffusing accurate and reliable information with reference to the industry, by reforming abuses relative to the industry, by securing freedom from unjust or unlawful exactions, and by other lawful and proper means."

There has been evidence in the newspapers, during the last few months, indicating that this new association sincerely and seriously intends to correct the evils which caused its organization. The pictures which are being produced this summer will be released in the autumn; the people will be able to judge at that time whether the efforts of the organization have been successful. For that reason, further consideration of this report is postponed.

The producers have always claimed that they should be judged by public opinion rather than a board of censors. But realizing that there are many varieties of public opinion, Mr. Hays, President of the Motion Picture Producers and Distributors of America, Inc., employed Mr. Jason S. Joy to organize and become executive secretary of a Committee on Public Relations with the object of establishing contacts with many national organizations so that he could reflect to the industry the reactions of the public. In a letter submitting to Mr. Hays a report of the work of this committee, Mr. Lee F. Hanmer, of the Russell Sage Foundation, says: "He is in a position to acquaint the interested public with the purpose of the industry to produce the kind of pictures that the American people want and also with the problems involved in meeting this public demand. Such an exchange of information between the public and the industry affords great possibilities for better mutual understanding and cooperation."

Here is a brief resumé of facts pertaining to affairs of the committee to date, March 22, 1923, as reported by Mr. Joy.

1. Invited by Mr. Will H. Hays to organize June 22, 1922.
2. Executive Secretary appointed and functioning Sept. 1st.
3. Committee is composed of 78 members of 62 national organizations, with an estimated combined membership of 60,000,000.
4. An Executive Committee composed of 29 members of 17 national organizations with an estimated combined membership of 11,000,000.
5. The Committee acts as a channel of communication between the public and the industry, submitting comments, criticisms, and suggestions to the industry, and telling the public of the problems and developments of the industry and about commendable pictures.
6. There have been held 11 meetings of the Committee.
7. 128 pictures have been reviewed by national organizations for the purpose of listing them for the benefit of their members.
8. The Executive Secretary's correspondence amounts to 35,652 letters.



9. The Executive Secretary has held approximately 500 conferences with representatives of organizations.
10. Approximately 385,000 copies of literature have been mailed.

(Signed) Jason S. Joy  
Executive Secretary.

Among the organizations having representatives on this Committee on Public Relations are the Russell Sage Foundation, American Historical Association, American Federation of Labor, General Federation of Women's Clubs, Young Men's Christian Association, the American Legion, Boy Scouts of America, et al.

Another activity of the committee's executive officers is to present the case against censorship whenever the occasion arises. Here is copy of a letter to the compiler of this little book from Mr. Turner Jones, representative of the Public Relations Committee in Atlanta, Ga.:

I am enclosing a number of pieces of literature on the subject of censorship which may be of assistance to you. The strongest arguments against censorship to my mind are the patent failures of the censors in states having established boards to accomplish the results desired by the advocates of censorship. The repudiation of censorship in Ohio by the Congress of Mothers and Parent-Teachers and the Juvenile Protective Association; the repudiation in New York by Dwight Hillis, by Justice Jenks and Governor Smith, etc.

Censorship can do nothing for the child, it being impossible to standardize an adult amusement for children. It does nothing to create a progressive demand on the part of the public for better pictures, since it can in no way be a constructive leader, but is only a restraining order.

The passage of a state censorship law merely shifts the responsibility from the shoulders of the individual to the state, and results in a less discriminating audience than we have at present, which in my opinion is the curse of the industry today. It also relieves the producer and exhibitor of all responsibility, and in my opinion will result in stagnation.

The application of formal standards results in ridiculous and unjust eliminations and restrictions, as is well illustrated on the sheets being mailed you entitled "Putting Sense into Censorship."

The censorship of the screen will undoubtedly lead to censorship of other matters—as you know, only after a hard fight was censorship of books and literature in general defeated in the recent New York legislature.

Political provision of the censors privilege is a well established fact, as demonstrated during the Ohio and Pennsylvania coal and iron strikes, and also during the recent presidential campaign when Governor Cox's statements to the public were cut out of the news reels, and Mr. Harding's left in.

Naturally the cost to the public is increased by censorship.

For example—take the official records of some of the boards of censorship for last year;—Maryland made eliminations in 25 per cent of the pictures reviewed, and rejected a total of twenty-five pictures; Virginia made eliminations in 6 per cent, and rejected seven pictures; Kansas made eliminations in 9 per cent, and rejected twenty-eight pictures; New York made eliminations in 20 per cent and rejected seventy-two pictures—surely the morality of the various states does not vary in this proportion, and yet that is the only logical conclusion to be deduced not permit it, and the theaters are cooperating with public from the actions of the censors.

For example—Maryland rejected *The Web of Life*, Virginia and New York passed it, and Ohio rejected it. Maryland and Ohio rejected *The Door That Has No Key*, while Virginia and New York passed it without eliminations. Maryland passed *The Virgin of the Seminole*, Kansas rejected it, Virginia made three eliminations, Ohio and New York passed it. Maryland rejected *A Woman of No Importance*, and all of the other states passed it.

The interesting point is that none of the pictures named have been shown in the south, because public opinion would not permit it, and the theatres are cooperating with public opinion, but should we have censorship, then we would be forced to play whatever the censors would pass. I might go on with an unlimited list of pictures on which the different boards could reach no agreement whatsoever, but this is sufficient for your information.

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the mother











